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RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

The Indiana Register is an official monthly publication of the state of Indiana. The Indiana Legislative Council publishes the full text of proposed rules, final rules, and other documents, such as executive orders and attorney general's opinions, in the Indiana Register in the order in which the Indiana Legislative Council receives the documents.

The Indiana Administrative Code is an official annual publication of the state of Indiana. It codifies the current general and permanent rules of state agencies in subject matter order.

The Indiana Register acts as a source of information about the rules being proposed by state agencies and acts as an "advance sheet" to the Indiana Administrative Code. With few exceptions, an agency may not adopt a rule, i.e., a policy statement having the force of law, without publishing a substantially similar proposed version in the Indiana Register. Although a rule becomes effective without publication in the Indiana Register, an agency must file an adopted and approved rule with the Indiana Legislative Council. The Council publishes these final rules in the Indiana Register.

RETENTION SCHEDULE

A person must consult the following publications to find the current rules of state agencies:

- (1) 2004 Indiana Administrative Code (CD-ROM version).
- (2) Volumes 27 and 28 of the Indiana Register (CD-ROM version).

The Indiana Administrative Code and Indiana Register are distributed in CD-ROM format only. Both are also accessible at www.in.gov/legislative/ic_iac/.

The 2003 Edition of the Indiana Administrative Code and other volumes of the Indiana Register may be discarded. (Please consider recycling.)

JUDICIAL NOTICE AND CITATION FORM

IC 4-22-9 provides for the judicial notice of rules published in the Indiana Register or the Indiana Administrative Code. Subject to any errata notice that may affect a rule, the latest published version of a final rule is prima facie evidence of that rule's validity and content.

Cite to a current general and permanent rule by Indiana Administrative Code citation, regardless of whether it has been published in a supplement to the Indiana Administrative Code. For example, cite the entire current contents of title 312 as "Title 312 of the Indiana Administrative Code," cite the entire current contents of the third article in title 312 as "312 IAC 3," cite the entire current contents of the fourth rule in article three as "312 IAC 3-4," and cite part or all of the current contents of the second section in rule four as "312 IAC 3-4-2." IC 4-22-9-6 provides that a citation in this form contains later adopted amendments. Cite a noncodified rule provision by LSA document number, SECTION number, and Indiana Register citation to the page at which the cited text begins. If a reference to a particular version of a rule or a page in the Indiana Register is appropriate, cite the volume, page, and year of publication as "25 Ind. Reg. 120 (2002)." A shorter Indiana Register citation form is "25 IR 120."

PRINTING CODE

This style type is used to indicate that substantive text is being inserted by amendment into a rule, and **this style type** is used to indicate that substantive text is being eliminated by amendment from a rule. **This style type** is replaced by a single large "X" to show the elimination of a form or other piece of artwork. **This style type** is used to indicate a rule is being added. *This style type* and **this style type** also are used to highlight nonsubstantive annotations to a rule and to indicate that an entry in a reference table or the index concerns a final rule.

REFERENCE TABLES AND INDEX

The page location of rules and other documents printed in the Indiana Register may be found by using the tables and index published in the Indiana Register. A citation listing of the general and permanent rules affected in a volume and a cumulative index are published in each issue. Cumulative tables that cite executive orders, attorney general's opinions, and other nonrule policy documents printed in a calendar year are published quarterly.

FILING AND PUBLISHING SCHEDULE

NOTICE AND PUBLICATION SCHEDULE. The Legislative Services Agency publishes documents filed by 4:45 p.m. on the tenth day of a month (no later than the twelfth day of a month, excluding holidays or weekends) in the following month's Indiana Register according to the schedule below:

PUBLICATION SCHEDULE

Closing Dates:	Publication Dates:	Closing Dates:	Publication Dates:
September 10, 2004	October 1, 2004	April 11, 2005	May 1, 2005
October 12, 2004	November 1, 2004	May 10, 2005	June 1, 2005
November 10, 2004	December 1, 2004	June 10, 2005	July 1, 2005
December 10, 2004	January 1, 2005	July 11, 2005	August 1, 2005
January 10, 2005	February 1, 2005	August 10, 2005	September 1, 2005
February 10, 2005	March 1, 2005	September 9, 2005	October 1, 2005
March 10, 2005	April 1, 2005	October 10, 2005	November 1, 2005

Documents will be accepted for filing on any business day from 8:00 a.m. to 4:45 p.m.

AROC NOTICES: Under IC 2-5-18-4, the Administrative Rules Oversight Committee is established to oversee the rules of any agency not listed in IC 4-21.5-2-4. As a result, certain notices to the AROC are required and are printed in the Indiana Register.

CORRECTIONS: IC 4-22-2-38 authorizes an agency to correct typographical, clerical, or spelling errors in a final rule without initiating a new rulemaking procedure. Correction notices are printed on errata pages in the Indiana Register.

EFFECTIVE DATE: IC 4-22-2-36 provides that, unless a later date is specified in the rule, a rule becomes effective thirty (30) days after filing with the Secretary of State.

EMERGENCY RULES: IC 4-22-2-37.1 provides summary rulemaking procedures for certain specified categories of rules.

INCORPORATION BY REFERENCE: IC 4-22-2-21 requires that a copy of matters that are incorporated by reference into a rule must be filed with the Attorney General, the Governor, and the Secretary of State along with the text of the incorporating final rule.

NONRULE POLICY DOCUMENTS: IC 4-22-7-7 requires that any nonrule document that interprets, supplements, or implements a statute and that the issuing agency may use in conducting its external affairs must be filed with the Legislative Services Agency and published in the Indiana Register.

NOTICE OF INTENT TO ADOPT A RULE: IC 4-22-2-23 requires an agency to publish a Notice of Intent to Adopt a Rule at least thirty (30) days before publication of the proposed rule.

PROMULGATION PERIOD: In order to be effective, the final version of an adopted rule must be approved by the Attorney General and the Governor within one (1) year after the date that the notice of intent is published. The final rule must then be filed with the Secretary of State.

PUBLIC HEARINGS: IC 4-22-2-24 requires that the public hearing on a proposed rule be scheduled at least twenty-one (21) days after a notice of the hearing is published in the Indiana Register and in a newspaper of general circulation in Marion County.

RULES READOPTION: IC 4-22-2.5 provides that a rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date.

State Agencies

		ALPHABETICAL LIST	
AGENCY	TITLE NUMBER	AGENCY	TITLE NUMBER
Accountancy, Indiana Board of	872	Human Service Programs, Interdepartmental Board for the Coordination of	490
Accounts, State Board of	20	†Industrial Board of Indiana	630
Adjutant General	270	Information Technology Oversight Commission, State	28
Administration, Indiana Department of	25	Insurance, Department of	760
†Administrative Building Council of Indiana	660	Labor, Department of	610
†Aeronautics Commission of Indiana	110	Land Surveyors, State Board of Registration for	865
†Aging and Community Services, Department on	450	Law Enforcement Training Board	250
Agricultural Development Corporation, Indiana	770	Library and Historical Board, Indiana	590
Agricultural Experiment Station	350	Library Certification Board	595
†Agriculture, Commissioner of	340	Local Government Finance, Department of	50
Agriculture, Commissioner of	375	Lottery Commission, State	65
†Air Pollution Control Board	325.1	Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana	580
Air Pollution Control Board	326	Medical Licensing Board of Indiana	844
†Air Pollution Control Board of the State of Indiana	325	Mental Health and Addiction, Division of	440
Alcohol and Tobacco Commission	905	Meridian Street Preservation Commission	925
Amusement Device Safety Board, Regulated	685	Motor Vehicles, Bureau of	140
Animal Health, Indiana State Board of	345	†Natural Resources, Department of	310
Architects and Landscape Architects, Board of Registration for	804	Natural Resources Commission	312
Athletic Trainers Board, Indiana	898	Nursing, Indiana State Board of	848
Attorney General for the State, Office of	10	Occupational Safety Standards Commission	620
Auctioneer Commission, Indiana	812	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Barber Examiners, Board of	816	Optometry Board, Indiana	852
Boiler and Pressure Vessel Rules Board	680	Parole Board	220
Boxing Commission, State	808	†Personnel Board, State	30
Budget Agency	85	Personnel Department, State	31
Chemist of the State of Indiana, State	355	Pesticide Review Board, Indiana	357
Children's Health Insurance Program, Office of the	407	Pharmacy, Indiana Board of	856
Chiropractic Examiners, Board of	846	Plumbing Commission, Indiana	860
Civil Rights Commission	910	Podiatric Medicine, Board of	845
†Clemency Commission, Indiana	230	Police Department, State	240
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Community Residential Facilities Council	431	Port Commission, Indiana	130
Consumer Protection Division of the Office of the Attorney General	11	Private Detectives Licensing Board	862
Controlled Substances Advisory Committee	858	Professional Standards Board	515
Coroners Training Board	207	Proprietary Education, Indiana Commission on	570
Correction, Department of	210	Psychology Board, State	868
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Creamery Examining Board	365	Public Employees' Retirement Fund, Board of Trustees of the	35
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Deaf Board, Indiana School for the	514	Public Safety Training Institute	280
Dentistry, State Board of	828	Real Estate Commission, Indiana	876
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Dietitians Certification Board, Indiana	830	Revenue, Department of State	45
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†Education, Commission on General	510	School Bus Committee, State	575
Education, Indiana State Board of	511	Secretary of State	75
Education Employment Relations Board, Indiana	560	Securities Division	710
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Egg Board, State	370	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board	839
†Election Board, State	15	†Soil and Water Conservation Committee, State	311
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†Environmental Management Board, Indiana	320	Television and Radio Service Examiners, Board of	884
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Fire Marshal, State	650	Transportation Finance Authority, Indiana	135
Fire Prevention and Building Safety Commission	675	Underground Storage Tank Financial Assurance Board	328
Firefighting Personnel Standards and Education, Board of	655	†Unemployment Insurance Board, Indiana	640
Forensic Sciences, Commission on	415	Utility Regulatory Commission, Indiana	170
Funeral and Cemetery Service, State Board of	832	†Vehicle Inspection, Department of	160
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Geologists, Indiana Board of Licensure for Professional	305	Veterinary Medical Examiners, Indiana Board of	888
Grain Buyers and Warehouse Licensing Agency, Indiana	824	Victim Services Division	203
Grain Indemnity Corporation, Indiana	825	Violent Crime Compensation Division	480
Hazardous Waste Facility Site Approval Authority, Indiana	323	†Vocational and Technical Education, Indiana Commission on	572
Health, Indiana State Department of	410	†Wage Adjustment Board	635
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Health Facility Administrators, Indiana State Board of	840	†Watch Repairing, Indiana State Board of Examiners in	892
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†Agency's rules are repealed, transferred, or otherwise voided.

State Agencies

NUMERICAL LIST

TITLE NUMBER	TITLE NUMBER
GENERAL GOVERNMENT	
10	Office of Attorney General for the State
11	Consumer Protection Division of the Office of the Attorney General
†15	State Election Board
18	Indiana Election Commission
20	State Board of Accounts
25	Indiana Department of Administration
28	State Information Technology Oversight Commission
†30	State Personnel Board
31	State Personnel Department
33	State Employees' Appeals Commission
35	Board of Trustees of the Public Employees' Retirement Fund
40	State Ethics Commission
45	Department of State Revenue
50	Department of Local Government Finance
52	Indiana Board of Tax Review
55	Department of Commerce
58	Enterprise Zone Board
60	Oversight Committee on Public Records
62	Office of the Public Access Counselor
65	State Lottery Commission
68	Indiana Gaming Commission
†70	Indiana Horse Racing Commission
71	Indiana Horse Racing Commission
75	Secretary of State
80	State Fair Commission
85	Budget Agency
TRANSPORTATION AND PUBLIC UTILITIES	
†100	Department of Transportation
105	Indiana Department of Transportation
†110	Aeronautics Commission of Indiana
†120	Department of Highways
130	Indiana Port Commission
135	Indiana Transportation Finance Authority
140	Bureau of Motor Vehicles
145	Reciprocity Commission of Indiana
†150	Office of Traffic Safety
†160	Department of Vehicle Inspection
170	Indiana Utility Regulatory Commission
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203	Victim Services Division
205	Indiana Criminal Justice Institute
207	Coroners Training Board
210	Department of Correction
220	Parole Board
†230	Indiana Clemency Commission
240	State Police Department
250	Law Enforcement Training Board
260	State Department of Toxicology
270	Adjutant General
280	Public Safety Training Institute
290	State Emergency Management Agency
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305	Indiana Board of Licensure for Professional Geologists
307	Indiana Board of Registration for Soil Scientists
†310	Department of Natural Resources
†311	State Soil and Water Conservation Committee
312	Natural Resources Commission
315	Office of Environmental Adjudication
†320	Indiana Environmental Management Board
†320.1	Solid Waste Management Board
323	Indiana Hazardous Waste Facility Site Approval Authority
†325	Air Pollution Control Board of the State of Indiana
†325.1	Air Pollution Control Board
326	Air Pollution Control Board
327	Water Pollution Control Board
328	Underground Storage Tank Financial Assurance Board
329	Solid Waste Management Board
†330	Stream Pollution Control Board of the State of Indiana
†330.1	Water Pollution Control Board
†340	Commissioner of Agriculture
341	Indiana Standardbred Board of Regulations
345	Indiana State Board of Animal Health
350	Agricultural Experiment Station
355	State Chemist of the State of Indiana
357	Indiana Pesticide Review Board
360	State Seed Commissioner
365	Creamery Examining Board
370	State Egg Board
375	Commissioner of Agriculture
HUMAN SERVICES	
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407	Office of the Children's Health Insurance Program
410	Indiana State Department of Health
412	Indiana Health Facilities Council
414	Hospital Council
415	Commission on Forensic Sciences
430	Developmental Disabilities Residential Facilities Council
431	Community Residential Facilities Council
440	Division of Mental Health and Addiction
†450	Department on Aging and Community Services
460	Division of Disability, Aging, and Rehabilitative Services
470	Division of Family and Children
480	Violent Crime Compensation Division
490	Interdepartmental Board for the Coordination of Human Service Programs
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511	Indiana State Board of Education
514	Indiana School for the Deaf Board
515	Professional Standards Board
†520	Commission on Textbook Adoptions
†530	Commission on Teacher Training and Licensing
540	Indiana Education Savings Authority
550	Board of Trustees of the Indiana State Teachers' Retirement Fund
560	Indiana Education Employment Relations Board
570	Indiana Commission on Proprietary Education
†572	Indiana Commission on Vocational and Technical Education
575	State School Bus Committee
580	Indiana Medical and Nursing Distribution Loan Fund Board of Trustees
585	State Student Assistance Commission
590	Indiana Library and Historical Board
595	Library Certification Board
LABOR AND INDUSTRIAL SAFETY	
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615	Board of Safety Review
620	Occupational Safety Standards Commission
†630	Industrial Board of Indiana
631	Worker's Compensation Board of Indiana
†635	Wage Adjustment Board
†640	Indiana Unemployment Insurance Board
†645	Department of Employment and Training Services
646	Department of Workforce Development
650	State Fire Marshal
655	Board of Firefighting Personnel Standards and Education
†660	Administrative Building Council of Indiana
†670	Elevator Safety Board
675	Fire Prevention and Building Safety Commission
680	Boiler and Pressure Vessel Rules Board
685	Regulated Amusement Device Safety Board
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770	Indiana Agricultural Development Corporation
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808	State Boxing Commission
812	Indiana Auctioneer Commission
816	Board of Barber Examiners
820	State Board of Cosmetology Examiners
824	Indiana Grain Buyers and Warehouse Licensing Agency
825	Indiana Grain Indemnity Corporation
828	State Board of Dentistry
830	Indiana Dietitians Certification Board
832	State Board of Funeral and Cemetery Service
836	Indiana Emergency Medical Services Commission
839	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board
840	Indiana State Board of Health Facility Administrators
844	Medical Licensing Board of Indiana
845	Board of Podiatric Medicine
846	Board of Chiropractic Examiners
848	Indiana State Board of Nursing
852	Indiana Optometry Board
856	Indiana Board of Pharmacy
857	Indiana Optometric Legend Drug Prescription Advisory Committee
858	Controlled Substances Advisory Committee
860	Indiana Plumbing Commission
862	Private Detectives Licensing Board
864	State Board of Registration for Professional Engineers
865	State Board of Registration for Land Surveyors
868	State Psychology Board
872	Indiana Board of Accountancy
876	Indiana Real Estate Commission
878	Home Inspectors Licensing Board
880	Speech-Language Pathology and Audiology Board
884	Board of Television and Radio Service Examiners
888	Indiana Board of Veterinary Medical Examiners
†892	Indiana State Board of Examiners in Watch Repairing
896	Board of Environmental Health Specialists
898	Indiana Athletic Trainers Board
MISCELLANEOUS	
905	Alcohol and Tobacco Commission
910	Civil Rights Commission
915	Veterans' Affairs Commission
920	Indiana War Memorials Commission
925	Meridian Street Preservation Commission
930	Indiana Housing Finance Authority

†Agency's rules are repealed, transferred, or otherwise voided.

TITLE 203 VICTIM SERVICES DIVISION

LSA Document #04-63(F)

DIGEST

Adds 203 IAC to establish procedures for the investigation, review, determination, and appeal of claims for victim assistance filed with the victim services division of the Indiana criminal justice institute. Effective 30 days after filing with the secretary of state.

203 IAC

SECTION 1. 203 IAC IS ADDED TO READ AS FOLLOWS:

TITLE 203 VICTIM SERVICES DIVISION

ARTICLE 1. ADMINISTRATIVE PROCEDURE

Rule 1. Investigation; Review; Determination; Appeal

203 IAC 1-1-1 Definitions

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1

Sec. 1. (a) The definitions in IC 5-2-6.1 and this section apply throughout this title.

(b) "Director" refers to the director of the division. (*Victim Services Division; 203 IAC 1-1-1; filed Aug 26, 2004, 1:30 p.m.: 28 IR 6*)

203 IAC 1-1-2 Purpose

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1

Sec. 2. The purpose of this title is to facilitate implementation and compliance with IC 5-2-6.1 by establishing procedures for the investigation, review, determination, and appeal of claims for victim assistance filed with the division. (*Victim Services Division; 203 IAC 1-1-2; filed Aug 26, 2004, 1:30 p.m.: 28 IR 6*)

203 IAC 1-1-3 Filing claims

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1

Sec. 3. (a) The time and place of filing claims are as follows:

(1) All claims must be filed within one hundred eighty (180) days of the date the crime was committed; provided, however, that for good cause the director may extend the time for filing for a period not exceeding two (2) years after such occurrence.

(2) All claims shall be filed in the office of the division in person or by certified mail on forms approved by the division.

(b) Contents of a claim are as follows:

(1) The claim shall be signed by the claimant. If the claim is filed by a minor or other incompetent, the claim may be signed and filed on his or her behalf by the parent, guardian, or other individual authorized to administer his or her affairs.

(2) Each claim shall be reviewed to ensure that it is complete. If the claim is not complete, written notice shall be given to the claimant with a brief statement requesting additional information. The claimant, within thirty (30) days of receipt of the request for additional information, shall supply that information to the division or request an extension of time, not to exceed sixty (60) days. The request shall be in writing to the director. If the claimant does not furnish additional information, or an extension granted by the director for good cause, the application shall be denied.

(*Victim Services Division; 203 IAC 1-1-3; filed Aug 26, 2004, 1:30 p.m.: 28 IR 6*)

203 IAC 1-1-4 Determination of eligibility

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1

Sec. 4. After a claim has been determined to contain sufficient identifying information, a claims analyst or other person designated by the director shall compare the claim to the eligibility standards described in IC 5-2-6.1. The claims analyst shall obtain supporting documentation necessary for the processing of a claim including, but not limited to, the following:

(1) A police report including all supplemental reports and victim and witness statements made to law enforcement personnel.

(2) Copies of charging informations and other prosecutorial data.

(3) Copies of medical, funeral, and psychiatric bills.

(4) Documentation regarding substitute child care expenses, employment, or earnings information.

(5) Documentation concerning the following:

(A) Medical or life insurance benefits, or both.

(B) Social Security, pension, or retirement benefit information.

(C) Worker's compensation or unemployment compensation benefits.

(6) Any other documentation necessary to determine eligibility.

(*Victim Services Division; 203 IAC 1-1-4; filed Aug 26, 2004, 1:30 p.m.: 28 IR 6*)

203 IAC 1-1-5 Investigation of claims; notice of determinations

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1

Sec. 5. (a) A claim, when accepted as complete or when set

for hearing, shall be investigated by the division as to its validity, regardless of whether the alleged perpetrator has been apprehended for, prosecuted for, or convicted of any crime based upon the same alleged incident.

(b) All claimants under IC 5-2-6.1 shall cooperate with claims analysts and other representatives of the division in order to be eligible for an award. In the event that such cooperation is refused or denied, the division may, in the discretion of the director, deny such claims.

(c) The division shall obtain written verification of all events, claims, and sums of money alleged by the claimant to the greatest degree possible through the following:

- (1) Police agencies.
- (2) Providers of medical assistance and funeral services.
- (3) Employers.
- (4) Witnesses.
- (5) Any other relevant source.

If discrepancies arise, the division may interview the claimant, or victim if other than the claimant, in order to establish such verifications and consistency of the record of the claim.

(d) After receipt of all information necessary to process a claim, a claims analyst shall prepare a written case report and preliminary determination recommendation on the claim. The case report shall be delivered to the director, or the director's designee, and shall:

- (1) contain a statement of the facts alleged by the claimant;
- (2) describe the verifications and discrepancies; and
- (3) make a recommendation as to whether or not assistance should be provided, the amounts payable, including reasonable attorney's fees, if any, and a rationale of the recommendation.

The director, or the director's designee, shall then review the entire file together with the case report and preliminary determination recommendation. If the director, or the director's designee, disagrees with the claims analyst's preliminary determination recommendation in whole or in part, the director, or the director's designee, shall remand the claim for further investigation or request that the matter be set for hearing.

(e) If the director, or the director's designee, agrees with the claims analyst's recommendation to deny the claim, the director, or the director's designee, shall issue to the claimant a preliminary determination stating the reason or reasons for the denial. The preliminary determination shall be sent by first class United States mail to the claimant's last known address. A claimant who disagrees with the preliminary determination may request a hearing. This request must be made in writing within thirty (30) days from the date of the preliminary determination. The claimant's failure to timely request a hearing shall constitute a

waiver of the hearing and a consent to the agency action described in the preliminary determination, and a notice of final determination will then be issued to the claimant. Where timely requested, a hearing will be set and will be limited to the reason or reasons for the denial stated in the preliminary determination.

(f) If the director, or the director's designee, agrees with the claims analyst's recommendation to award the claim, the director, or the director's designee, shall issue a notice of award stating the amount of the award and its allocation. If a claimant disagrees with the notice of award, the claimant may request a hearing. This request must be made in writing within thirty (30) days from the date of the notice of award. (*Victim Services Division; 203 IAC 1-1-5; filed Aug 26, 2004, 1:30 p.m.: 28 IR 6*)

203 IAC 1-1-6 Hearings

Authority: IC 5-2-6.1-46

Affected: IC 4-21.5; IC 5-2-6.1

Sec. 6. (a) When a hearing is ordered, the claimant, counsel, and all parties whose testimony is deemed necessary by the division shall be notified in writing of the time, place, and scope of the hearing in accordance with IC 4-21.5. Any subsequent notices of hearing due to a request for continuation by the claimant or claimant's attorney shall be sent by first class United States mail.

(b) All hearings shall be conducted in an orderly manner. All witnesses shall testify under oath or by affirmation, and all testimony shall be recorded. The hearing officer shall not be bound by common law, statutory rules of evidence, or judicial rules of procedure.

(c) The claimant has the burden of proving his or her right to compensation by a preponderance of the evidence.

(d) The hearing officer may receive as evidence any statement, document, information, or matter that is deemed relevant and of such a nature as to afford the parties a fair hearing. The hearing officer may also accept hospital and physician's records and reports as proof of the injury sustained without requiring the presence of the attending physician at the hearing.

(e) The hearing officer may direct medical examination of the claimant by a physician designated by the hearing officer, having due regard for the convenience of the claimant.

(f) The claimant shall be present at the hearing and will be allowed to present testimony and cross-examine witnesses in person or by counsel.

(g) Hearings may be adjourned on the motion of the

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hearing officer or upon timely request of any interested party. The failure of the claimant to appear at the time of the hearing may result in denial of the claim; provided, however, in the discretion of the hearing officer upon good cause shown, such failure to appear may be excused and a new hearing scheduled.

(h) Hearings shall be open to the public except that the hearing officer may exercise discretion to hold the hearing in private in the interest of the victim or society where justice requires.

(i) Upon the application of the claimant or by counsel, submitted in affidavit form, or upon application of the hearing officer, a case may be opened for further investigation. If the hearing officer finds it necessary, further testimony may be taken at any time prior to the final determination of the hearing. The division may, on its own motion, reinvestigate or reopen cases at any time as it deems necessary.

(j) All hearings of the division shall be held at its offices in Indianapolis, Indiana. (*Victim Services Division; 203 IAC 1-1-6; filed Aug 26, 2004, 1:30 p.m.: 28 IR 7*)

203 IAC 1-1-7 Attorneys; representation

Authority: IC 5-2-6.1-46
Affected: IC 5-2-6.1

Sec. 7. (a) Claimants have the right to be represented before the division or any representatives thereof at all stages of the proceeding by an attorney-at-law duly licensed to practice in the state of Indiana.

(b) The attorney shall file a notice of appearance prior to or at his or her first appearance. Such notice shall contain the name of the party represented and the attorney's name, address, and telephone number.

(c) If any party designates an attorney-at-law and such attorney has executed and filed with the division a notice of appearance in the matter, the notice shall remain in effect until:

- (1) the party represented files with the division a written revocation of the attorney's authority;
- (2) the attorney files with the division a written statement of his or her withdrawal from the case;
- (3) the attorney states on the record at a division hearing that he or she is withdrawing from the case; or
- (4) the division receives notice of the attorney's death or disqualification.

(d) After filing of a notice of appearance in accordance with this rule, and so long as it may remain in effect, copies of all written communications or notices to the claimant shall be sent to the attorney in lieu of the party so repre-

sented. Service upon the attorney shall be deemed service on the party so represented.

(e) Attorney's fees shall be approved by the division and shall be commensurate with services rendered to the claimant subject to the limitations of IC 5-2-6.1. (*Victim Services Division; 203 IAC 1-1-7; filed Aug 26, 2004, 1:30 p.m.: 28 IR 8*)

203 IAC 1-1-8 Subpoenas; subpoenas duces tecum; depositions

Authority: IC 5-2-6.1-46
Affected: IC 5-2-6.1

Sec. 8. (a) The division shall issue subpoenas and subpoenas duces tecum, either at its own instance or upon written application of any party made not less than ten (10) days prior to the hearing. The ten (10) day provision may be waived at the discretion of the director. Subpoenas and subpoenas duces tecum shall comply with the Indiana rules of procedure.

(b) The issuance of a subpoena at the application of a party shall depend upon a showing of necessity. A written request shall designate the names and addresses of witnesses and the locations of:

- (1) documents;
- (2) books;
- (3) payrolls;
- (4) personal records;
- (5) correspondence;
- (6) papers; and
- (7) any other evidence;

necessary to the claim being heard.

(c) The cost of service, witness, and mileage fees shall be borne by the party at whose request a subpoena is issued.

(d) The division, on its own motion or on application of the claimant, shall take or cause to be taken affidavits or depositions of witnesses residing within or without the state whenever it deems such procedure necessary. The division may set appropriate terms and conditions pertaining to the taking of affidavits or depositions. The requesting party shall bear the expense. (*Victim Services Division; 203 IAC 1-1-8; filed Aug 26, 2004, 1:30 p.m.: 28 IR 8*)

203 IAC 1-1-9 Awards

Authority: IC 5-2-6.1-46
Affected: IC 5-2-6.1

Sec. 9. (a) No award will be made on a claim unless the claimant has incurred a minimum out-of-pocket loss of one hundred dollars (\$100).

(b) No award may be made unless the division finds the following:

- (1) A violent crime was committed.
- (2) The crime occurred within the state though the victim need not be a resident of the state at the time of occurrence of the crime upon which the claim is based.
- (3) The crime directly resulted in personal physical injury or death of the victim.
- (4) The crime was reported to a law enforcement officer within forty-eight (48) hours after the occurrence of the crime, and the claimant has cooperated fully with law enforcement personnel to solve the crime, unless the director, for good cause shown, finds such failure to report or cooperate with law enforcement officials to have been justified.

(c) An award made under this rule shall be in an amount not to exceed out-of-pocket expenses, together with loss of actual earnings consistent with this rule and other actual expenses resulting from the bodily injury or death of the victim.

(d) An award made under this rule shall be in an amount not to exceed out-of-pocket medical expenses, together with:

- (1) loss of actual earnings consistent with this rule;
- (2) reasonable child care expenses not to exceed one thousand dollars (\$1,000);
- (3) loss of financial support consistent with this rule; and
- (4) other actual expenses;

resulting from the bodily injury or death of the victim. In no case shall the total amount of an award exceed fifteen thousand dollars (\$15,000) per victim.

(e) In instances of claims based on physical injuries or death, the division shall exercise its discretion in determining whether payments are to be made in a lump sum or periodically.

- (f) When disbursing an award, the division shall apply the proceeds of the award in the following order:
- (1) Reasonable attorney's fees as determined by the division.
 - (2) Outstanding medical and funeral expenses.
 - (3) Reimbursement of compensable out-of-pocket expenses.
 - (4) Loss of income the victim would have earned had the victim not been injured.
 - (5) Loss of financial support that the victim would have supplied to legal dependents had the victim not died or been injured.

In the event that the expenses in subdivision (2) exceed the total amount of the award, the division shall prorate the award among the providers in that category.

(g) If there are two (2) or more persons entitled to an award as a result of the death of a person that is the direct result of a crime, the director shall apportion the award

among the claimants in the proportion the deceased victim contributed to their support. In the event of a change of dependency of the claimant or any one (1) of them, either by marriage or otherwise, the division may change the proportion and the amount of the payments to the claimant.

(h) If the recipient of an award is a minor, the director may require that a guardianship be established and the award be delivered to the guardian of the minor's estate.

(i) In determining whether to award loss of income to a victim who has died or been injured, the following factors may be considered by the division:

- (1) Whether the victim was employed at the time of injury or death.
- (2) The victim's employment history, education, and job skills.
- (3) The victim's age, life expectancy, and past earnings.
- (4) Other relevant factors.

(j) The part of each award covering unpaid expenses of a claimant may be made payable directly to each creditor subject to the claimant's consent.

(k) An emergency award of not more than five hundred dollars (\$500) may be made by the director or his or her designee prior to the determination of final award if it is determined by the director that a severe financial hardship exists.

(l) No request for an emergency award shall be considered unless a claim has been filed with the division. The claim and the request for the emergency award may be filed simultaneously.

(m) A request for an emergency award may be made either by mail or in person upon an affidavit setting forth in detail the grounds.

(n) The amount of an emergency award shall be deducted from the final award made by the division, and, if no final award is made or the amount of the emergency award exceeds the amount of the final award, the amount shall be recoverable from the claimant.

(o) Compensation by the division for funeral, burial, or cremation expenses shall not exceed four thousand dollars (\$4,000) per victim per claim.

(p) Compensation by the division for outpatient psychological or psychiatric counseling, or both, shall not exceed the following:

- (1) One thousand dollars (\$1,000) for mental health facilities or counselors who do not use a sliding fee schedule based on the victim's income.

(2) One thousand five hundred dollars (\$1,500) for mental health facilities or counselors who use a sliding fee schedule based on the victim's income. Prior to qualifying under this subdivision, the sliding fee schedule must be submitted to the division for approval.

(Victim Services Division; 203 IAC 1-1-9; filed Aug 26, 2004, 1:30 p.m.: 28 IR 8)

203 IAC 1-1-10 Appeals; board review

Authority: IC 5-2-6.1-46

Affected: IC 4-21.5; IC 5-2-6.1

Sec. 10. (a) The state or claimant may appeal the findings of the hearing officer within twenty-one (21) days after the date of receipt of the hearing officer's determination by filing a written appeal with the director who shall review the written determination of the hearing officer and place the appeal on the docket for review by the victim services division of the institute's board of trustees.

(b) An appeal under this section shall be limited to those facts evidenced in the record of proceedings and may, at the discretion of the victim services division of the institute's board of trustees, be supplemented with a written statement by either the division or the claimant.

(c) A decision by the victim services division of the institute's board of trustees shall be conclusive and binding upon the state and the claimant, subject to judicial review under IC 4-21.5. *(Victim Services Division; 203 IAC 1-1-10; filed Aug 26, 2004, 1:30 p.m.: 28 IR 10)*

Rule 2. Sex Crime Victim Compensation; Application Procedures

203 IAC 1-2-1 Eligibility and cooperation

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1; IC 16-21-8

Sec. 1. (a) Beginning September 1, 1985, a person who seeks hospital or licensed medical service provider emergency room treatment for injuries and trauma resulting from an alleged sexual assault shall be considered an alleged sex crime victim eligible to have the costs of their emergency room treatment paid by the fund to the servicing hospital or licensed medical service provider if:

(1) Within forty-eight (48) hours following the alleged crime:

(A) a police report regarding the incident has been filed; or

(B) the hospital or licensed medical service provider, sex crime victim, or a responsible party has contacted an appropriate law enforcement agency.

(2) A representative of a law enforcement agency must, in writing, confirm that the sex crime victim has cooperated in the initial law enforcement investigation and report.

(b) The sex crime victim must consent to the emergency room treatment and evidence-gathering physical examination, and the treatment must be ordered by the attending physician. If the sex crime victim is a minor or incompetent, the sex crime victim's parent or guardian, an officer of the court, or other authorized individual may sign for the sex crime victim. The sex crime victim or other authorized individual must sign and complete the appropriate sections of the division's claim form. The eligibility requirements in subsection (a)(1) and (a)(2) may be suspended if the director of the division finds a compelling reason to do so. A participating hospital or licensed medical service provider is to treat all alleged sex crime victims and shall render services at no cost to the alleged sex crime victim despite any delays in payment from the fund. A hospital or licensed medical service provider shall provide medical services to all alleged sex crime victims without making any legal determinations as to whether the patient has actually been sexually assaulted or whether the hospital or licensed medical service provider will be eligible for payment when the patient has executed the prescribed fund application for payment.

(c) The fund may deny payment to the hospital or licensed medical service provider where the patient fails to meet the eligibility requirements as listed in subsection (a), in IC 5-2-6.1, or in IC 16-21-8. If payment is denied, the hospital or licensed medical service provider will be notified and may then bill the patient or collateral source for services rendered. *(Victim Services Division; 203 IAC 1-2-1; filed Aug 26, 2004, 1:30 p.m.: 28 IR 10)*

203 IAC 1-2-2 Application for reimbursement; information required

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1; IC 16-21-8

Sec. 2. (a) To receive payment, the hospital or licensed medical service provider, sex crime victim, and, if present, a law enforcement agent must supply information regarding the alleged sex crime on a claim form prescribed by the division completed and filed not later than ninety (90) days from the date of the first emergency room medical services provided. The hospital or licensed medical service provider shall attach to the application the patient's emergency department report of the date of treatment including the following:

(1) A copy of the medical examination report by the attending physician.

(2) A narrative statement describing the alleged sex crime, including the time and place thereof, and a brief description of the injuries sustained.

(3) An itemized statement showing all services provided to the alleged sex crime victim that were a direct and proximate result of the alleged sex crime.

(b) The division may also require additional information as needed to determine eligibility. The hospital or licensed medical service provider shall provide to the patient, at the time of the sex crime victim's release from the hospital or licensed medical service provider, the fund information sheet. Applications for payment for the following subsequent medical procedures shall be filed within thirty (30) days of the services rendered:

- (1) Sexually transmitted disease testing.
- (2) Pregnancy testing.
- (3) Mental health counseling for problems directly related to the sexual assault.

(c) If an application is denied or additional information from the hospital or licensed medical service provider is required, the division shall so notify the hospital or licensed medical service provider in writing. A hospital or licensed medical service provider has thirty (30) days from the date of the division's notification to present the information required to the division. The additional information will then be evaluated.

(d) All applications should be mailed to or filed in person at the division's office located in Indianapolis, Indiana. (*Victim Services Division; 203 IAC 1-2-2; filed Aug 26, 2004, 1:30 p.m.: 28 IR 10*)

203 IAC 1-2-3 Covered services

Authority: IC 5-2-6.1-46
Affected: IC 5-2-6.1; IC 16-21-8

Sec. 3. (a) As used in this rule, "emergency hospital service" means outpatient services rendered in the emergency room that are a direct and proximate result of the alleged sex crime, including, but not limited to, at the division's discretion, the following:

- (1) Reasonable costs of counseling services for the sex crime victim directly relating to the assault, rendered within one (1) year following the initial emergency room treatment. At the division's discretion, other persons deemed necessary for the sex crime victim's sex crime crisis counseling may also be eligible for counseling services. The counseling costs are reimbursable only when services are rendered by or through a hospital or licensed medical service provider participating in the fund. Included in the itemized statement of counseling services shall be:
 - (A) a delineation of the party receiving the service;
 - (B) the date of the subsequent counseling; and
 - (C) the date of the initial emergency room treatment.
- (2) Evidence-gathering and diagnostic physical examinations.
- (3) Initial pregnancy and sexually transmitted disease testing related to the alleged sex crime.
- (4) Other itemized laboratory work including the following:

- (A) Alcohol and drug testing.
- (B) Syphilis testing up to ninety (90) days following the alleged sex crime.
- (C) Pregnancy and other sexually transmitted disease testing up to thirty (30) days following the alleged sex crime.
- (5) Suturing and care of any wounds, including anesthesia and prescribed medications.
- (6) X-rays.
- (7) Other limited outpatient emergency treatment at the discretion of the division.

(b) The amounts charged to the division by a hospital or a licensed medical service provider for any qualifying emergency hospital service shall be commensurate with the service actually rendered.

(c) Noncompensable services include the following:

- (1) Inpatient hospital services.
- (2) Nonsexual assault related services.

(d) If a patient is subsequently admitted to the hospital on an inpatient basis following emergency room treatment, the patient may apply to the division and meet separate eligibility requirements to receive benefits for inpatient treatment. (*Victim Services Division; 203 IAC 1-2-3; filed Aug 26, 2004, 1:30 p.m.: 28 IR 11*)

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TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

LSA Document #03-212(F)

DIGEST

Amends 305 IAC 1-2-6, 305 IAC 1-3-4, 305 IAC 1-4-1, and 305 IAC 1-4-2 and adds 305 IAC 1-5 to establish a code of ethics for licensed professional geologists, to clarify that certificates are reinstated by the board not the Indiana geological survey, and to provide for annual rather than semiannual publication of a roster of licensed geologists. Makes other technical changes. Effective 30 days after filing with the secretary of state.

Final Rules

305 IAC 1-2-6
305 IAC 1-3-4
305 IAC 1-4-1

305 IAC 1-4-2
305 IAC 1-5

SECTION 1. 305 IAC 1-2-6 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-2-6 “Professional geological work” defined

Authority: IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 6. (a) “Professional geological work” means the application of principles, theories, and laws of geology along with the body of knowledge encompassed by the science at an advanced and skillful level requiring experience in the geological profession and the capability of interpretation of geological data.

(b) Examples of activities that may qualify as professional geological work are consultation, research, evaluation, or planning of geological systems, works, or projects **for including, but not limited to**, one (1) or more of the following:

- (1) Land reclamation.
- (2) Construction.
- (3) Location, prediction of the location, evaluation, or development or production of petroleum, natural gas, coal, metallic and nonmetallic minerals, ground water, and other geological resources.
- (4) Assessment of geologic hazards, such as landslides, earthquakes, and land subsidence.
- (5) Environmental geology.
- (6) Hydrogeology.

(c) Examples of activities that may **not** qualify as professional geological work are ~~the following:~~ **as follows:**

- (1) Activities before an applicant completes the minimum education requirements under 305 IAC 1-3-2(c).
- (2) Participation as a laboratory assistant, field assistant, or technician.
- (3) Participation as an associate instructor or research assistant while enrolled in an undergraduate or graduate studies program.
- (4) Participation as an engineer, driller, well logger, soil scientist, archeologist, or profession other than geology.

(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-6; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2215; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Sep 1, 2004, 2:45 p.m.: 28 IR 12)

SECTION 2. 305 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-3-4 Issuance of a renewal certificate

Authority: IC 25-17.6-3-12

Affected: IC 4-21.5-3-4; IC 25-17.6

Sec. 4. (a) ~~A request for a renewal license is timely if made by a licensed professional geologist at least thirty (30) days~~

~~before expiration.~~ A license expires three (3) years after the date of issuance. A request for renewal must be accompanied by a fee of sixty dollars (\$60) in the form of a check or money order payable to the “Indiana Geological Survey”. The renewal will be issued unless the board determines the applicant no longer qualifies as a licensed professional geologist under IC 25-17.6 and this article. IC 4-21.5-3-4(d) applies to this subsection.

(b) The survey shall mail a renewal notice to each licensed professional geologist at least sixty (60) days before the expiration of the license. The notice shall be directed to the most recent mailing address provided to the survey by the licensed professional geologist.

(c) If the renewal fee is not paid when due, the license is invalidated. The name of the holder shall be deleted from future rosters of the licensed professional geologists unless:

- (1) a late renewal fee of seventy-five dollars (\$75) is paid by the applicant before the expiration of two (2) years from the date of its invalidation; ~~and or~~
- (2) the certificate is reinstated by the ~~survey board.~~

(d) If the renewal fee is not paid within two (2) consecutive years of the invalidation of a certificate, a person may seek reinstatement as a licensed professional geologist only upon successful completion of section 2 of this rule. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-3-4; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2218; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1621; filed Sep 1, 2004, 2:45 p.m.: 28 IR 12)*

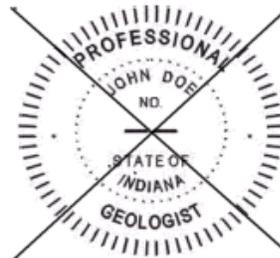
SECTION 3. 305 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-4-1 Seal and responsibilities of licensed professional geologists for documents

Authority: IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 1. (a) A licensed professional geologist may purchase a seal from a private vendor that bears the geologist’s name, license number, and the legend “Licensed professional geologist”. A seal cannot be less than one and five-eighths (1 $\frac{5}{8}$) inches or more than one and seven-eighths (1 $\frac{7}{8}$) inches in outside diameter and shall conform with the following design:





(b) The seal may be embossed or applied by a rubber stamp. The seal may have a milled edge, as illustrated in subsection (a), or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling.

(c) The seal pictured replaces all previous seal designs.

(e) (d) The seal shall be affixed to a document or license only if:

- (1) the license is current and has not been suspended or revoked; and
- (2) the document or instrument is created by the licensed professional geologist or by persons who are regularly employed or directly supervised subordinates of the licensed professional geologist.

(f) (e) A licensed professional geologist shall cause to be legible the placement of a seal on a document or instrument.

(g) (f) A licensed professional geologist is responsible for the professional work on any plans, specifications, plats, reports, or other documents to which the seal or signature of the licensed professional geologist is affixed. A licensed professional geologist who affixes a seal or signature to a document without understanding the contents of the document violates the code of ethics. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-4-1; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2218; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1621; filed Sep 1, 2004, 2:45 p.m.: 28 IR 12)*

SECTION 4. 305 IAC 1-4-2 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-4-2 Publication of roster; responsibility of a licensed professional geologist to maintain a current address with the Indiana geological survey

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 2. (a) The survey shall, at least every other calendar year, publish a roster showing the names and addresses of the licensed professional geologists.

(b) Each licensed professional geologist is responsible for maintaining with the survey a current mailing address. A

notification made by the board under IC 25-17.6 and this article is complete if delivered to the address provided by the licensed professional geologist under this subsection. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-4-2; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2219; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Sep 1, 2004, 2:45 p.m.: 28 IR 13)*

SECTION 5. 305 IAC 1-5 IS ADDED TO READ AS FOLLOWS:

Rule 5. Code of Ethics

305 IAC 1-5-1 Professional conduct

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 1. A licensed professional geologist must be guided by the highest standards of honesty, integrity, impartiality, and conduct. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-1; filed Sep 1, 2004, 2:45 p.m.: 28 IR 13)*

305 IAC 1-5-2 Public interest

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 2. (a) A licensed professional geologist must uphold the public health and safety in the performance of professional services.

(b) A licensed professional geologist is encouraged to promote public awareness of the effects of geology and geological processes on the quality of life. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-2; filed Sep 1, 2004, 2:45 p.m.: 28 IR 13)*

305 IAC 1-5-3 Legal compliance

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 3. (a) A licensed professional geologist must observe and comply with the requirements of all applicable common law, federal and state constitutional provisions, federal and state statutes, regulations, rules, and local ordinances.

(b) A licensed professional geologist must not knowingly participate in any illegal activities or knowingly permit the publication of his or her reports, maps, or other documents for illegal purposes.

(c) A licensed professional geologist must not accept payment, gift, or other valuable consideration that would appear to influence a decision made on behalf of the public by the licensed professional geologist acting in a position of public trust.

(d) If a licensed professional geologist has knowledge of a decision or action by an employer, client, or colleague that

violates any law or regulation or poses an imminent threat to the public health and safety, the licensed professional geologist must advise against such action. If the employer, client, or colleague fails to make a reasonable effort to notify the appropriate public officials, then the licensed professional geologist should do so.

(e) A licensed professional geologist must not aid any person in the unauthorized practice of geology. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-3; filed Sep 1, 2004, 2:45 p.m.: 28 IR 13*)

305 IAC 1-5-4 Integrity

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 4. (a) A licensed professional geologist must be accurate and truthful in all communications.

(b) A licensed professional geologist must not:

- (1) knowingly engage in false or deceptive advertising; or
- (2) make false, misleading, or deceptive representations or claims in regard to the profession of geology or that concern his or her own professional qualifications or abilities or those of other geologists.

(c) A licensed professional geologist must avoid making sensational, exaggerated, or unwarranted statements that may mislead or deceive members of the public or any public body.

(d) A licensed professional geologist, acting in the position of public trust, must exercise authority impartially and must not seek to use the authority for personal profit or to secure any competitive advantage.

(e) A licensed professional geologist, when serving as an expert witness or as accepted to be an expert in legal or administrative proceedings, shall express an opinion only when having an adequate knowledge of the facts of the issue and a background of technical competence on the subject. Statements and opinions must be based on an honest conviction of the accuracy and propriety of the testimony. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-4; filed Sep 1, 2004, 2:45 p.m.: 28 IR 14*)

305 IAC 1-5-5 Conflicts of interest

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 5. (a) A licensed professional geologist must disclose any actual or potential conflicts of interest that may affect their ability to serve an employer or client.

(b) A licensed professional geologist must disclose to a prospective employer or client the existence of any owned or controlled mineral or other interest that may, either

directly or indirectly, have a pertinent bearing on such employment.

(c) A licensed professional geologist having or expecting to have beneficial interest in a property on which the licensed professional geologist is reporting should disclose the existence of the interest or expected interest. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-5; filed Sep 1, 2004, 2:45 p.m.: 28 IR 14*)

305 IAC 1-5-6 Obligations to employers and clients

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 6. (a) A licensed professional geologist must protect, to the fullest possible extent, the interest of an employer or client so far as is consistent with the public health and safety and the licensed professional geologist's legal, professional, and ethical obligations.

(b) A licensed professional geologist who has made an investigation for an employer or client must not seek to profit economically from the information gained or resources used without a good faith effort to notify the employer or client of his or her intentions. Mineral prospects and other original geologic concepts and information, developed by the licensed professional geologist and brought to the employer or client, shall be freely usable by the licensed professional geologist at any time, absent a contractual agreement to the contrary.

(c) A licensed professional geologist who finds that obligations to an employer or client cause serious conflict with professional and ethical standards must recommend that the objectionable conditions be corrected. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-6; filed Sep 1, 2004, 2:45 p.m.: 28 IR 14*)

305 IAC 1-5-7 Professional and ethical obligations

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 7. (a) A licensed professional geologist must serve employers and clients competently within the geologist's overall professional and ethical obligations.

(b) A licensed professional geologist shall perform professional services or issue professional advice that is within the scope of the education and experience of the licensed professional geologist or the licensed professional geologist's professional associates, consultants, or employees and must advise the employer or client if any professional advice is outside of the licensed professional geologist's personal expertise.

(c) A licensed professional geologist must not give a professional opinion or submit a report without being

informed as might be reasonably expected, considering the purpose for which the opinion or report is requested.

(d) A licensed professional geologist should report all assumptions on which the results of a report or opinion are based.

(e) A licensed professional geologist should substantiate any statements in opinions and reports.

(f) A licensed professional geologist should not knowingly or purposefully misrepresent or omit relevant data, or fail to mention a lack of data that might affect the results or conclusions of an opinion or report.

(g) A licensed professional geologist should engage, or advise an employer or client to engage, and cooperate with other experts and specialists whenever the employer's or client's interests would be best served. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-7; filed Sep 1, 2004, 2:45 p.m.: 28 IR 14*)

305 IAC 1-5-8 Professional courtesy

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 8. (a) A licensed professional geologist must respect the rights, interests, and contributions of their professional colleagues and must be accurate and truthful in all communications with others regarding professional colleagues.

(b) A licensed professional geologist must:
(1) give due credit for work done by others in the course of a professional assignment; and
(2) must not knowingly accept credit due another.

(c) Statements regarding opinions must be restricted to and based on logical and scientific principles and must be made in a respectful and professional manner. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-8; filed Sep 1, 2004, 2:45 p.m.: 28 IR 15*)

305 IAC 1-5-9 Continuing education

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 9. A licensed professional geologist should strive to improve professional knowledge and skills and work toward the advancement of geological education, research, training, and practice. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-9; filed Sep 1, 2004, 2:45 p.m.: 28 IR 15*)

305 IAC 1-5-10 Equal opportunity

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 10. A licensed professional geologist must not

discriminate against any person on the basis of race, creed, gender, age, disability, sexual orientation, or national origin when engaged in services to the public or as required by law. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-10; filed Sep 1, 2004, 2:45 p.m.: 28 IR 15*)

305 IAC 1-5-11 Obligation to report violations

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 11. It is the individual responsibility of each professional geologist to abide by the code of ethics presented in this rule. Any complaints brought to the attention of the board regarding a violation of this rule by a licensed professional geologist must be substantiated with evidence of the violation. The board is responsible for evaluating and acting on disciplinary actions regarding the code of ethics. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-11; filed Sep 1, 2004, 2:45 p.m.: 28 IR 15*)

LSA Document #03-212(F)

Notice of Intent Published: September 1, 2003; 26 IR 3905

Proposed Rule Published: October 1, 2003; 27 IR 216

Hearing Held: November 24, 2003

Approved by Attorney General: August 30, 2004

Approved by Governor: August 31, 2004

Filed with Secretary of State: September 1, 2004, 2:45 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-3(F)

DIGEST

Adds 312 IAC 6.5 to govern the registration of off-road vehicles and snowmobiles. Effective 30 days after filing with the secretary of state.

312 IAC 6.5

SECTION 1. 312 IAC 6.5 IS ADDED TO READ AS FOLLOWS:

ARTICLE 6.5. OFF-ROAD VEHICLES AND SNOWMOBILES

Rule 1. Registration

312 IAC 6.5-1-1 Purpose

Authority: IC 14-10-2-4; IC 14-16-1
Affected: IC 14-16-1

Sec. 1. The purpose of this rule is to assist with the

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registration of an off-road vehicle or snowmobile under IC 14-16-1. (*Natural Resources Commission; 312 IAC 6.5-1-1; filed Aug 31, 2004, 2:30 p.m.: 28 IR 15*)

312 IAC 6.5-1-2 Definitions

Authority: IC 14-10-2-4; IC 14-16-1
Affected: IC 14-8

Sec. 2. In addition to the definitions in IC 14-8, IC 14-16-1, and 312 IAC 1, the following definitions apply throughout this rule:

- (1) "Dealer registration" means a certificate of registration issued under IC 14-16-1-16 to a dealer or a manufacturer.
- (2) "Decal" means a sticker or similar document to identify a vehicle's registration number under IC 14-16-1-9 and IC 14-16-1-11.5.
- (3) "Division" means the department's division of accounting.
- (4) "Interim certificate of registration" means a written instrument sufficient to support an intent to renew or register an off-road vehicle or a snowmobile.

(*Natural Resources Commission; 312 IAC 6.5-1-2; filed Aug 31, 2004, 2:30 p.m.: 28 IR 16*)

312 IAC 6.5-1-3 Interim certificate of registration

Authority: IC 14-10-2-4; IC 14-16-1
Affected: IC 14-16-1

Sec. 3. (a) Upon the purchase of a vehicle or the renewal of a vehicle previously registered, an operator must apply to the department for an interim certificate of registration. The application may be made on-line with the assistance of a dealer or in person at the division's offices in Indianapolis. The application must include the following information:

- (1) Name.
- (2) Address.
- (3) Date of purchase of a vehicle or date of expiration of a registration for a vehicle registered previously.
- (4) Year.
- (5) Make.
- (6) Model.
- (7) Vehicle identification number.

(b) An interim certificate of registration shall be issued on a form approved by the division. The interim certificate of registration expires:

- (1) thirty-one (31) days after the date of purchase; or
- (2) for a vehicle registered previously, thirty-one (31) days after renewal of the registration.

(*Natural Resources Commission; 312 IAC 6.5-1-3; filed Aug 31, 2004, 2:30 p.m.: 28 IR 16*)

312 IAC 6.5-1-4 Decals

Authority: IC 14-10-2-4; IC 14-16-1
Affected: IC 14-16-1

Sec. 4. (a) The department shall design and approve the following decals that:

- (1) Have a unique identification number for each registration.
- (2) Are differently colored than those used in the previous year.
- (3) Can be easily identified and verified by a law enforcement officer.

(b) An owner or operator must attach two (2) decals that are each clearly visible for identification, with one (1) on each side of the forward half of the vehicle. A dealer or manufacturer may display the decals on an attached but removable sign. (*Natural Resources Commission; 312 IAC 6.5-1-4; filed Aug 31, 2004, 2:30 p.m.: 28 IR 16*)

312 IAC 6.5-1-5 Fees

Authority: IC 14-10-2-4; IC 14-16-1
Affected: IC 14-16-1

Sec. 5. In addition to the fees established by IC 14-16-1, the following fees apply:

- (1) Thirty dollars (\$30) for each registration renewal requested under IC 14-16-1-11.
- (2) Six dollars (\$6) for each replacement decal requested under IC 14-16-1-11.5(b).
- (3) Fifteen dollars (\$15) for each change of address requested under IC 14-16-1-14(d).
- (4) Thirty dollars (\$30) for each transfer of ownership requested under IC 14-16-1-14(e).
- (5) Thirty dollars (\$30) for each of the first two (2) registrations requested by a manufacturer or dealer under IC 14-16-1-16(a).
- (6) Thirty dollars (\$30) for each registration requested by a manufacturer or dealer under IC 14-16-1-16(a) that is subsequent to those requested under subdivision (4).

(*Natural Resources Commission; 312 IAC 6.5-1-5; filed Aug 31, 2004, 2:30 p.m.: 28 IR 16*)

312 IAC 6.5-1-6 Administrative review

Authority: IC 14-10-2-4; IC 14-16-1
Affected: IC 4-21.5

Sec. 6. An owner or operator may seek administrative review, under IC 4-21.5 and 312 IAC 3-1, of an order issued by the department under this rule. (*Natural Resources Commission; 312 IAC 6.5-1-6; filed Aug 31, 2004, 2:30 p.m.: 28 IR 16*)

LSA Document #04-3(F)

Notice of Intent Published: February 1, 2004; 27 IR 1615

Proposed Rule Published: June 1, 2004; 27 IR 2766

Hearing Held: June 28, 2004

Approved by Attorney General: August 13, 2004

Approved by Governor: August 30, 2004

Filed with Secretary of State: August 31, 2004, 2:30 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #02-337(F)

DIGEST

Amends 326 IAC 1-1-3 concerning references to the Code of Federal Regulations (CFR), to update any reference to the CFR in 326 IAC to mean the July 1, 2002, edition. This change will have the effect of updating every rule in Title 326 that incorporates by reference the CFR to ensure consistency with the federal rule, except for rules in which a CFR edition is mentioned by a specific year. Amends 326 IAC 1-1-3.5 concerning references to the Compilation of Air Pollution Emission Factors AP-42 and Supplements. Amends language used to incorporate documents by reference in each citation listed. Repeals 326 IAC 14-1-4. Effective 30 days after filing with the secretary of state.

HISTORY

IC 13-14-9-8 Notice and Notice of First Hearing: January 1, 2003, Indiana Register (26 IR 1271).

Date of First Hearing: February 5, 2003.

Proposed Rule and Notice of Public Hearing: March 1, 2003, Indiana Register (26 IR 1996).

Date of Second Hearing: April 16, 2003.

Notice of Recall: May 1, 2004, Indiana Register (27 IR 2500).

Change in Notice of Public Hearing: May 1, 2004 (27 IR 2521).

Date of Third Hearing: June 2, 2004.

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| 326 IAC 1-1-3 | 326 IAC 3-6-3 |
| 326 IAC 1-1-3.5 | 326 IAC 3-6-5 |
| 326 IAC 1-2-65 | 326 IAC 3-7-2 |
| 326 IAC 1-2-90 | 326 IAC 3-7-4 |
| 326 IAC 2-2-13 | 326 IAC 5-1-2 |
| 326 IAC 2-2-16 | 326 IAC 5-1-4 |
| 326 IAC 2-7-3 | 326 IAC 5-1-5 |
| 326 IAC 2-7-8 | 326 IAC 7-2-1 |
| 326 IAC 2-7-18 | 326 IAC 7-4-10 |
| 326 IAC 2-8-3 | 326 IAC 8-1-4 |
| 326 IAC 2-9-7 | 326 IAC 8-4-6 |
| 326 IAC 2-9-8 | 326 IAC 8-4-9 |
| 326 IAC 2-9-9 | 326 IAC 8-7-7 |
| 326 IAC 2-9-10 | 326 IAC 8-9-2 |
| 326 IAC 2-9-13 | 326 IAC 8-9-3 |
| 326 IAC 3-4-1 | 326 IAC 8-9-4 |
| 326 IAC 3-4-3 | 326 IAC 8-9-5 |
| 326 IAC 3-5-2 | 326 IAC 8-9-6 |
| 326 IAC 3-5-3 | 326 IAC 8-10-7 |
| 326 IAC 3-5-4 | 326 IAC 8-11-2 |
| 326 IAC 3-5-5 | 326 IAC 8-11-6 |
| 326 IAC 3-6-1 | 326 IAC 8-11-7 |

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| 326 IAC 8-12-3 | 326 IAC 14-8-1 |
| 326 IAC 8-12-5 | 326 IAC 14-8-3 |
| 326 IAC 8-12-6 | 326 IAC 14-8-4 |
| 326 IAC 8-12-7 | 326 IAC 14-8-5 |
| 326 IAC 8-13-5 | 326 IAC 14-9-5 |
| 326 IAC 10-1-2 | 326 IAC 14-9-8 |
| 326 IAC 10-1-4 | 326 IAC 14-9-9 |
| 326 IAC 10-1-5 | 326 IAC 14-10-1 |
| 326 IAC 10-1-6 | 326 IAC 14-10-2 |
| 326 IAC 11-3-4 | 326 IAC 14-10-3 |
| 326 IAC 11-7-1 | 326 IAC 14-10-4 |
| 326 IAC 13-1.1-1 | 326 IAC 15-1-2 |
| 326 IAC 13-1.1-8 | 326 IAC 15-1-4 |
| 326 IAC 13-1.1-10 | 326 IAC 16-3-1 |
| 326 IAC 13-1.1-13 | 326 IAC 18-1-2 |
| 326 IAC 13-1.1-14 | 326 IAC 18-1-5 |
| 326 IAC 13-1.1-16 | 326 IAC 18-1-7 |
| 326 IAC 14-1-1 | 326 IAC 18-1-8 |
| 326 IAC 14-1-2 | 326 IAC 18-2-2 |
| 326 IAC 14-1-4 | 326 IAC 18-2-3 |
| 326 IAC 14-3-1 | 326 IAC 18-2-6 |
| 326 IAC 14-4-1 | 326 IAC 18-2-7 |
| 326 IAC 14-5-1 | 326 IAC 22-1-1 |
| 326 IAC 14-7-1 | 326 IAC 23-1-31 |

SECTION 1. 326 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-1-3 References to the Code of Federal Regulations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, ~~2000~~, **2002**, edition*.

*This body of documents is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054; filed Aug 26, 2004, 11:30 a.m.: 28 IR 17*)

SECTION 2. 326 IAC 1-1-3.5 IS AMENDED TO READ AS FOLLOWS:

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326 IAC 1-1-3.5 References to the Compilation of Air Pollution Emission Factors AP-42 and Supplements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3.5. Unless otherwise indicated, any reference to the Compilation of Air Pollution Emission Factors AP-42 (AP-42) means the January 1995, Fifth Edition, Volume I*, including the following AP-42, Fifth Edition, Volume I supplements:

- (1) Supplement A, February 1996*.
- (2) Supplement B, November 1996*.
- (3) Supplement C, November 1997*.
- (4) Supplement D, August 1998*.
- (5) Supplement E, September 1999*.
- (6) Supplement F, September 2000*.
- ~~(7) Supplement G, the version available as of December 2000*.~~
- (7) Update 2001*.
- (8) Update 2002*.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-1-3.5; filed May 21, 2002, 10:20 a.m.: 25 IR 3055; filed Aug 26, 2004, 11:30 a.m.: 28 IR 18*)

SECTION 3. 326 IAC 1-2-65 IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-2-65 "Reconstruction" defined

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-11

Sec. 65. An emissions unit shall be considered to be reconstructed when the fixed capital cost of the new components exceed fifty percent (50%) of the fixed capital cost of a comparable entirely new emissions unit. The fixed capital cost of components shall reflect any exceptions granted under 40 CFR 60*.

~~*This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. 46204. (*Air Pollution Control Board; 326 IAC 1-2-65; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2375; filed Nov 25, 1998, 12:13 p.m.: 22 IR 979; errata filed May 12, 1999, 11:23*~~

a.m.: 22 IR 3105; filed Aug 26, 2004, 11:30 a.m.: 28 IR 18)

SECTION 4. 326 IAC 1-2-90 IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-2-90 "Volatile organic compound" or "VOC" defined

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 90. (a) "Volatile organic compound" or "VOC" means any compound of carbon excluding the following:

- (1) Carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- (2) Any organic compound which has been determined to have negligible photochemical reactivity listed in section 48 of this rule. VOC content shall be measured in accordance with 326 IAC 8-1-4.

(b) For purposes of determining compliance with emission limits, volatile organic compounds will be measured by the test methods in this title or 40 CFR 60, Appendix A*, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as volatile organic compounds if the amount of such compounds is accurately quantified and such exclusion is approved by the commissioner.

(c) As a precondition to excluding these compounds as volatile organic compounds or at any time thereafter, the commissioner may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the commissioner, the amount of negligibly-reactive compounds in the source's emissions.

(d) For purposes of federal enforcement for a specific source, the U.S. EPA shall use the test methods specified in Indiana's approved state implementation plan, in a permit issued pursuant to a program approved or promulgated under:

- (1) Title V of the Clean Air Act;
- (2) 40 CFR 51, Subpart I*;
- (3) 40 CFR 51, Appendix S*;
- (4) 40 CFR 52*; or
- (5) 40 CFR 60*.

The U.S. EPA shall not be bound by any state determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the provisions listed in this subsection.

~~*These documents are incorporated by reference. Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402. Copies of the pertinent sections of the CFR 20401 or are also available from for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality,~~

Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana ~~46204-2220~~; **46204**. (*Air Pollution Control Board; 326 IAC 1-2-90; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2377; filed Sep 23, 1988, 11:59 a.m.: 12 IR 256; filed May 9, 1990, 5:00 p.m.: 13 IR 1847; filed Aug 9, 1993, 5:00 p.m.: 16 IR 2828; filed Sep 5, 1995, 12:00 p.m.: 19 IR 30; filed Aug 26, 2004, 11:30 a.m.: 28 IR 18*)

SECTION 5. 326 IAC 2-2-13 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-13 Area designation and redesignation

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-15; IC 13-17

Sec. 13. (a) All of the following areas that were in existence on August 7, 1977, shall be Class I areas and shall not be redesignated:

- (1) International parks.
- (2) National wilderness areas that exceed five thousand (5,000) acres in size.
- (3) National memorial parks that exceed five thousand (5,000) acres in size.
- (4) National parks that exceed six thousand (6,000) acres in size.

(b) The following shall apply to area designations:

(1) Areas that were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this section.

(2) Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this section.

(3) The following areas may be redesignated only as Class I or II:

(A) An area that as of August 7, 1977, exceeded ten thousand (10,000) acres in size and was a:

- (i) national monument;
- (ii) national primitive area;
- (iii) national preserve;
- (iv) national recreational area;
- (v) national wild and scenic river;
- (vi) national wildlife refuge; or
- (vii) national lakeshore or seashore.

(B) A national park or national wilderness area established after August 7, 1977, that exceeds ten thousand (10,000) acres in size.

(c) The following shall apply to area redesignations:

(1) All areas, except as otherwise provided under subsection (a), are designated Class II as of December 5, 1974. Redesignation, except as otherwise precluded by subsection (a), may be proposed by the department or Indian governing bodies, as provided in this section, subject to approval by U.S. EPA as a revision to the applicable state implementation plan.

(2) The department may submit to U.S. EPA a proposal to

redesignate areas of the state Class I or Class II provided the following:

(A) At least one (1) public hearing has been held in accordance with procedures established in 40 CFR 51.102*.

(B) Other states, Indian governing bodies, and federal land managers whose lands may be affected by the proposed redesignation were notified at least thirty (30) days prior to the public hearing.

(C) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the:

- (i) health;
- (ii) environmental;
- (iii) economic;
- (iv) social; and
- (v) energy effects;

of the proposed redesignation, was prepared and made available for public inspection at least thirty (30) days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion.

(D) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the department has provided written notice to the appropriate federal land manager and afforded adequate opportunity, not in excess of sixty (60) days, to confer with the department respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any federal land manager had submitted written comments and recommendations, the department shall have published a list of any inconsistencies between such redesignation and such comments and recommendations together with the reasons for making such redesignation against the recommendation of the federal land manager.

(E) The department has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area under subsection (a) may be redesignated as Class III if the following occurs:

(A) The redesignation would meet the requirements of subdivision (2).

(B) The redesignation, except a redesignation established by an Indian governing body, has been specifically approved by the governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation.

(C) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard.

(D) Any permit application for any major stationary source or major modification, subject to review under section 5(c) of this rule, that could receive a permit under this rule only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body. The appropriate Indian governing body may submit to U.S. EPA a proposal to redesignate areas Class I, Class II, or Class III provided the following:

(A) The Indian governing body has followed procedures equivalent to those required of the department under subdivisions (2), (3)(C), and (3)(D).

(B) Such redesignation is proposed after consultation with the state or states in which the Indian reservation is located and that border the Indian reservation.

(5) If U.S. EPA disapproves a proposed redesignation, the classification of the area shall be that which was in effect prior to the redesignation that was disapproved.

(6) If U.S. EPA disapproves any proposed redesignation, the department or Indian governing body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by U.S. EPA.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-2-13; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2426; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565; filed Aug 26, 2004, 11:30 a.m.: 28 IR 19*)

SECTION 6. 326 IAC 2-2-16 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-2-16 Ambient air ceilings

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-15; IC 13-17

Sec. 16. No concentration of a pollutant under this rule shall exceed the concentration permitted under the national:

(1) secondary ambient air quality standard as listed under 40 CFR 50.5 through 40 CFR 50.7* and 40 CFR 50.9* through 40 CFR 50.12*;^{*} or

(2) primary ambient air quality standard as listed under 40 CFR 50.4*, 40 CFR 50.6* through 40 CFR 50.9*, and 40 CFR 50.11*, ~~through and~~ 40 CFR 50.12*;

whichever concentration is lowest for the pollutant for a period of exposure.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-2-16; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2429; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565; filed Aug 26, 2004, 11:30 a.m.: 28 IR 20*)

SECTION 7. 326 IAC 2-7-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-7-3 Requirement for a permit

Authority: IC 13-15; IC 13-17

Affected: IC 13-11

Sec. 3. Except as provided in this section, 40 CFR 70.4(b)(12)(i)*, and section 12(b) and 12(c) of this rule, no Part 70 source may operate after the time that it is required to submit a timely and complete application except in compliance with a Part 70 permit issued under this rule. If a Part 70 source submits a timely and complete application for Part 70 permit issuance (including for renewal), the source's failure to have a Part 70 permit is not a violation of this rule until the commissioner takes final action on a Part 70 permit application except as noted in this subsection. This protection shall cease to apply if, subsequent to the completeness determination made under section 8(c) of this rule, and as required by section 4(a)(2) of this rule, the applicant fails to submit by the deadline specified in writing by the commissioner any additional information identified as being needed to process the application.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or **are available for review and copying** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-7-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2254; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 20*)

SECTION 8. 326 IAC 2-7-8 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-7-8 Permit issuance, renewal, and revisions

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 8. (a) A Part 70 permit, Part 70 permit modification, or renewal may be issued only if all of the following conditions have been met:

(1) The commissioner has received a complete application for a Part 70 permit, permit modification, or Part 70 permit renewal, except that a complete application need not be received before issuance of a general Part 70 permit under section 13 of this rule.

(2) Except for administrative amendments under section 11 of this rule, the commissioner has complied with the requirements for public notice under section 17 of this rule.

(3) The commissioner has complied with the requirements of section 17 of this rule for notifying and responding to affected states.

(4) The conditions of a Part 70 permit provide for compliance with all applicable requirements and the requirements of this rule.

(5) The U.S. EPA has received a copy of the proposed Part 70 permit and any notices required and has not objected to issuance of the Part 70 permit within the time period specified in section 18(b), 18(c), or 18(d) of this rule.

(b) Except as provided under the initial transition plan provided for under 40 CFR 70.4(b)(11)* or under regulations promulgated under Title IV or Title V of the CAA for the permitting of affected sources under the acid rain program, the commissioner shall take final action on each Part 70 permit application (including a request for Part 70 permit modification or renewal) within eighteen (18) months or such lesser time approved by the U.S. EPA, after receiving a complete application.

(c) The commissioner shall promptly provide notice to the applicant of whether the application is complete. Unless the commissioner requests additional substantive information or otherwise notifies the applicant of incompleteness within sixty (60) days of receipt of an application, the application shall be deemed complete. For modifications processed through minor Part 70 permit modification procedures, such as those in section 12(b) and 12(c) of this rule, the commissioner is not required to make a completeness determination.

(d) The commissioner shall provide a technical support document that sets forth the legal and factual basis for a draft Part 70 permit conditions (including references to the applicable statutory or regulatory provisions). The commissioner shall send this technical support document to the U.S. EPA, to the applicant, and to any other person who requests it.

(e) If the commissioner fails to act in a timely way on a Part 70 permit renewal, the U.S. EPA may invoke its authority under Section 505(e) of the CAA to terminate or revoke and reissue a Part 70 permit.

(f) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under 326 IAC 2-2 through 326 IAC 2-3 or a preconstruction approval under 326 IAC 2-5.1, 326 IAC 2-6.1, or section 10.5 of this rule.

***This document is incorporated by reference.** Copies of

~~the Code of Federal Regulations (CFR) referenced~~ may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 ~~and or~~ are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-7-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2260; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2344; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1037; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 20*)

SECTION 9. 326 IAC 2-7-18 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-7-18 Permit review by the U.S. EPA

Authority: IC 13-14-8; IC 13-15; IC 13-17

Affected: IC 13-11

Sec. 18. (a) Except as otherwise waived by the U.S. EPA, the commissioner shall provide to the U.S. EPA a copy of each Part 70 permit application (including any application for permit modification), each draft and proposed permit, and each final permit in accordance with this section.

(b) The commissioner shall submit the draft permit to the U.S. EPA no later than the beginning of the thirty (30) day public review period. The thirty (30) day public review period and the forty-five (45) day U.S. EPA review period may run concurrently in the following manner:

(1) If the commissioner receives no comments from the public or any affected state, or receives comments that are not based on applicable requirements or the requirements of this rule, the commissioner will so notify the U.S. EPA and transmit a copy of the draft permit, signed by the commissioner, which shall be the proposed permit. The U.S. EPA's review period will end forty-five (45) days from the date it initially received the draft permit.

(2) If the commissioner receives comment from the public or an affected state that is based on an applicable requirement or a requirement of this rule, but determines not to revise the permit, the commissioner shall notify the U.S. EPA and any affected state making such comment in writing of the determination not to revise the permit and the reasons therefore at or after the close of the thirty (30) day public comment period. The commissioner shall include a copy of the draft permit, signed by the commissioner, which shall be the proposed permit. U.S. EPA's review period will end forty-five (45) days from the date it initially received the draft permit unless the U.S. EPA notifies the commissioner within fifteen (15) days of its receipt of the proposed permit that the full forty-five (45) day review period is required.

(3) If the commissioner makes revisions to the draft permit in response to comments from the public or an affected state, the commissioner shall submit a signed copy of the revised permit, which shall be the proposed permit, to the U.S. EPA.

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The U.S. EPA shall complete its review within forty-five (45) days of receipt of the revised proposed permit and all necessary supporting documentation.

(c) No permit for which an application must be transmitted to the U.S. EPA under subsection (a) shall be issued by the commissioner if the U.S. EPA, in accordance with 40 CFR 70.8(c)(2)*, objects in writing to its issuance within forty-five (45) days after receipt of the draft or proposed permit and all necessary supporting information as described in subsection (b).
~~above.~~

(d) If the U.S. EPA does not object to the issuance of a Part 70 permit under subsection (c), any person may petition the U.S. EPA, within sixty (60) days after the expiration of the U.S. EPA's forty-five (45) day review period, to make such objection. Any such petition shall be based only on objections to a Part 70 permit that were raised with reasonable specificity during the public comment period provided under section 17 of this rule, unless the petitioner demonstrates that it was impracticable to raise such objections within such period or unless the grounds for such objection arose after such period. Such a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the U.S. EPA's forty-five (45) review period and prior to ~~an~~ a U.S. EPA objection. If the U.S. EPA objects to a Part 70 permit prior to issuance as a result of a petition filed under this subsection, the commissioner shall not issue the permit until the U.S. EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the forty-five (45) day review period and prior to the U.S. EPA's objection. If the commissioner has issued a permit prior to receipt of a U.S. EPA objection under this subsection, the U.S. EPA will modify, terminate, or revoke the permit, consistent with the procedures in section 9(d) of this rule, except in unusual circumstances, and the commissioner may thereafter issue only a revised permit that satisfies the U.S. EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

***This document is incorporated by reference.** Copies of ~~the Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or **are available for review and copying** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-7-18; filed May 25, 1994, 11:00 a.m.: 17 IR 2267; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 21*)

SECTION 10. 326 IAC 2-8-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-8-3 Permit application

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. (a) The owner or operator of a source seeking a FESOP shall submit a complete application on such form or forms as the commissioner may establish, or in other application formats authorized by the commissioner. An application for a FESOP may be submitted at any time. Unless, within ninety (90) days of receipt of an application, the commissioner determines that an application is not complete, such application shall be deemed to be complete.

(b) In order for an application to be deemed complete, it must contain the following:

(1) Substantive information required under subsection (c). Applications for a FESOP revision must supply substantive information required under subsection (c) only as it relates to the proposed change.

(2) Certification by an authorized individual that the submitted information is consistent with subsection (d).

(c) An application for a FESOP shall include the information specified in this subsection to the extent necessary to determine applicable requirements, compliance with applicable requirements and this rule, and compliance with the terms and conditions of a FESOP. The following information shall be included in the application for all emissions units at a FESOP source:

(1) Identifying information, including the following:

(A) Company name and address (or plant name and address if different from the company name).

(B) Owner's name and agent.

(C) Telephone numbers and names of plant site manager, authorized individual, or site contact.

(2) A description of the source's processes and products (by Standard Industrial Classification Code), including any associated with each alternate scenario identified by the source.

(3) The following emissions related information:

(A) All emissions of regulated air pollutants. A FESOP application shall describe all emissions of regulated air pollutants emitted from any emissions unit. The applicant shall provide such additional information related to the emissions of air pollutants as is sufficient to verify which requirements are applicable to the source.

(B) Identification and description of all points of emissions described in clause (A) in sufficient detail to establish the applicability of requirements of this title.

(C) Emissions rates of all pollutants described in clause (A) in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

(D) The following information to the extent it is needed to determine or regulate emissions:

(i) Fuels, including types and characteristics.

(ii) Fuel use, including types and quantities combusted.

(iii) Raw materials.

- (iv) Production and process rates.
- (v) Operating schedules.

(E) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

(F) Limitations on source operation affecting emissions or any work practice standards, as requested by the applicant, for all regulated pollutants at a FESOP source.

(G) Other information required by any applicable requirement, including information related to stack height limitations developed under Section 123 of the CAA*.

(H) Calculations, examples of calculations, or descriptions of calculation methods or basis on which the information in this subsection is based.

(I) Insignificant activities shall be listed, but the emissions related information described in this subdivision need not be provided unless the commissioner determines that such information is necessary to determine the applicability of 40 CFR 70*. Information concerning trivial activities as defined in 326 IAC 2-7-1(40) need not be included in permit applications submitted under this rule.

(4) Other specific information that may be necessary to implement and enforce other applicable requirements of the CAA or of this rule or to determine the applicability of such requirements.

(5) An explanation of any proposed exemptions from otherwise applicable requirements.

(6) Confirmation of the following:

(A) That the source maintains on-site a preventive maintenance plan as described in 326 IAC 1-6-3.

(B) That upon request the source will forward to department the preventive maintenance plan.

(7) At the option of the applicant, a request that the permit provide terms and conditions allowing for the establishment of an emissions cap program or programs. The request for an emissions cap program or programs shall include the information under 326 IAC 2-1.1-12(d).

(d) Any application form or compliance certification submitted under this rule shall contain certification by an authorized individual of truth, accuracy, and completeness. This certification and any other certification required under this section shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(e) In the case where a source has submitted information to the commissioner under a claim of confidentiality under 326 IAC 17, the commissioner may also require the source to submit a copy of such information directly to the U.S. EPA.

(f) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a FESOP application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. An applicant shall provide additional

information as necessary to address any requirements that become applicable to the source after the date the applicant filed a complete application but prior to release of a draft FESOP. In addition, the applicant shall provide additional information as requested by the commissioner to determine the compliance status of the source in accordance with section 5(a) of this rule.

(g) If, while processing an application, the commissioner determines that additional information is necessary to evaluate or take final action on that application, the commissioner may request such information in writing and set a reasonable deadline for a response.

(h) For purposes of a FESOP renewal, a timely application is one that is submitted at least nine (9) months prior to the date of expiration of the source's existing permit.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-8-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2271; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2355; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1050; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 22*)

SECTION 11. 326 IAC 2-9-7 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-9-7 Sand and gravel plants

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 7. (a) The following definitions apply throughout this section:

- (1) "Annual throughput" means the amount of material that is being processed through the plant on a calendar year basis.
- (2) "Sand and gravel" means any unconsolidated mixture of fine or coarse aggregate, or both, found in and processed from a natural deposit.
- (3) "Surfactant" means any chemical additive that reduces the surface tension of water.
- (4) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:
 - (A) been mined from beneath bodies of water, such as rivers, estuaries, lakes, or oceans; or
 - (B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

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(5) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any sand and gravel plant may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under subdivisions (1) through (4), as applicable, and subdivision (5):

(1) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most five (5) crushers, ten (10) screens, and a conveying operation shall limit the annual throughput to less than four hundred ten thousand (410,000) tons per year.

(2) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, excluding fugitive particulate emissions utilizing at most nine (9) crushers, twenty (20) screens, and a conveying operation shall limit the annual throughput to less than one million (1,000,000) tons per year.

(3) Sand and gravel plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most twelve (12) crushers, twenty-four (24) screens, and a conveying operation shall limit the annual throughput to less than three million one hundred thousand (3,100,000) tons per year.

(4) Sand and gravel plants that meet the specific restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:

(A) Each source described by subdivisions (1) through (2) shall maintain annual throughput records at the site on a calendar year basis.

(B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.

(C) A wet process or continuous wet suppressions shall be used.

(D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.

(E) Visible emissions from the screening and conveying operations shall not exceed an average of ten percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9*.

(F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis, such that the following visible emission conditions are met:

(i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

(AA) The first shall be taken at the time of emission generation.

(BB) The second shall be taken five (5) seconds after the first.

(CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(G) Fugitive particulate emissions at a sand and gravel plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located pursuant to 326 IAC 6-4.

(H) The source shall comply with ~~40 CFR 60, Subpart 600~~, **40 CFR 60.670**, Standards of Performance for Nonmetallic Mineral Processing Plants*, (~~40 CFR 60.670~~)*, if applicable.

(5) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents, may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-9-7; filed May 7, 1997, 4:00 p.m.: 20 IR 2307; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 23*)

SECTION 12. 326 IAC 2-9-8 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-9-8 Crushed stone processing plants

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 8. (a) The following definitions apply throughout this section:

- (1) "Annual throughput" means the amount of material that is being processed through the plant in a calendar year.
- (2) "Crushed stone" means any composition of limestone, granite, traprock, or any other hard, sound rock that is produced by blasting and then crushing.
- (3) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:
 - (A) been mined from beneath bodies of water, such as rivers, estuaries, lakes, or oceans; or
 - (B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

- (4) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any crushed stone processing plant may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under subdivisions (1) through (4), as applicable, and subdivision (5):

- (1) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most four (4) crushers, seven (7) screens, and a conveying operation shall limit the annual throughput to less than four hundred thousand (400,000) tons per year.
- (2) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons, excluding fugitive particulate emissions, utilizing at most six (6) crushers, thirteen (13) screens, and a conveying operation shall limit the annual throughput to less than one million (1,000,000) tons per year.
- (3) Crushed stone processing plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most nine (9) crushers, seventeen (17) screens, and a conveying operation shall comply with the following provisions:
 - (A) The annual throughput shall not exceed three million (3,000,000) tons per year.
 - (B) Each source under this subdivision shall pay an annual fee of eight hundred dollars (\$800).
- (4) Crushed stone processing plants that meet the specific

restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:

- (A) Each source described by subdivisions (1) through (2) shall maintain annual throughput records at the site on a calendar year basis.
- (B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.
- (C) The crushing, screening, and conveying operations shall be equipped with dust collectors, unless a wet process or continuous wet suppression system is used, to comply with clause (E).
- (D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.
- (E) Visible emissions from the screening and conveying operations shall not exceed an average of ten percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9*.
- (F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis such that the following visible emission conditions are met:
 - (i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.
 - (ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:
 - (AA) The first shall be taken at the time of emission generation.
 - (BB) The second shall be taken five (5) seconds after the first.
 - (CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

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The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(G) Fugitive particulate emissions at a crushed stone plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(H) The source shall comply with ~~40 CFR 60, Subpart 600~~; **40 CFR 60.670**, Standards of Performance for Nonmetallic Mineral Processing Plants*, (~~40 CFR 60.670~~); if applicable.*

(5) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents; may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-9-8; filed May 7, 1997, 4:00 p.m.: 20 IR 2308; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 25*)

SECTION 13. 326 IAC 2-9-9 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-9-9 Ready-mix concrete batch plants

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 9. (a) The following definitions apply throughout this section:

- (1) "Aggregate" means any combination of sand, gravel, and crushed stone in their natural or processed state.
- (2) "Aggregate transfer" means the transfer of material:
 - (A) from process equipment onto the ground;
 - (B) from the ground into hauling equipment;
 - (C) from hauling equipment onto a storage pile;
 - (D) from a storage pile into hauling equipment for transport; or
 - (E) into an initial hopper for further process.
- (3) "Cement" means a powdered substance manufactured from calcined carbonate rock (burned lime) and clay that, when mixed with water, forms a cohesive and adhesive material that will harden into a rigid mass.
- (4) "Concrete" means a construction material consisting of a coarse and fine aggregate bound by a paste of cement and water, which then sets into a hard and compact substance.
- (5) "Ready-mix concrete batch plant" means a facility that

prepares and distributes made-to-order batches of concrete in bulk or package form.

(b) Any ready-mix concrete batch plant with actual annual emissions of particulate matter (PM) less than twenty-five (25) tons per year, including fugitive particulate emissions, may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

(1) Production shall be limited to three hundred thousand (300,000) cubic yards annually.

(2) Each source shall maintain records of annual production at the site on a calendar year basis.

(3) Fugitive particulate emissions from cement and aggregate silos shall be controlled by operating dust collectors, such that visible emissions do not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9*.

(4) Fugitive particulate emissions shall be controlled by applying water on aggregate storage piles, unpaved roadways, and aggregate transfer operations on an as needed basis such that the following visible emission conditions are met:

(A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(B) Visible emissions from unpaved roads shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

(i) The first shall be taken at the time of emission generation.

(ii) The second shall be taken five (5) seconds after the first.

(iii) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(C) Visible emissions from aggregate transferring operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five

(5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but no more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(5) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained in such a manner as to meet the requirements of this rule.

(6) Cement transferring operations shall always be enclosed.

(7) Each source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.

(8) Fugitive particulate emissions at a ready-mix concrete batch plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(9) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

***This document is incorporated by reference.** Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents; may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-9-9; filed May 7, 1997, 4:00 p.m.: 20 IR 2309; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 26*)

SECTION 14. 326 IAC 2-9-10 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-9-10 Coal mines and coal preparation plants

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 10. (a) The following definitions apply throughout this section:

(1) "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-88*.

(2) "Coal mine" means an individual excavation site from which coal is removed by surface or underground mining operations.

(3) "Coal preparation plant" means any facility (excluding underground and surface mining operations) that prepares coal by one (1) or more of the following processes:

- (A) Breaking.
- (B) Crushing.
- (C) Screening.

(D) Wet or dry cleaning.

(E) Thermal drying.

(4) "Coal processing and conveying equipment" means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, the following:

(A) Breakers.

(B) Crushers.

(C) Screens.

(D) Conveyor belts.

(5) "Collocated source" means any coal preparation facility and coal mine that are:

(A) located on one (1) piece of property or on contiguous or adjacent properties; and

(B) which are owned or operated by the same person (or by persons under common control).

(6) "Material transfer" means the transfer of material:

(A) from process equipment onto the ground;

(B) from the ground into hauling equipment;

(C) from hauling equipment onto a storage pile;

(D) from a storage pile into hauling equipment for transport; or

(E) into an initial hopper for further processing.

(7) "Refuse" means the portion of mined coal which is rejected by the preparation plant as unsalable.

(8) "Thermal dryer" means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream that is exhausted to the air.

(b) Any coal preparation plant, coal mine, or collocated source may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

(1) Coal preparation plants that do not utilize thermal dryers or pneumatic coal cleaning equipment and do not emit particulate matter less than ten microns (PM₁₀) in excess of or equal to one hundred (100) tons per year, including fugitive particulate emissions, shall limit the total annual tons of coal shipped to less than five million (5,000,000) tons per year and must comply with the following:

(A) Each coal preparation plant shall maintain at the site total annual throughput records for the previous twelve (12) months on a monthly rolling total, and records shall be kept for a minimum of five (5) years.

(B) The screening, crushing, and conveying operations at a coal preparation plant shall be enclosed, unless a wet suppression system is used, such that visible emissions shall not exceed an average of twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period using procedures in 40 CFR 60, Appendix A, Method 9**.

(2) Fugitive particulate emissions at a coal preparation plant, coal mine, or collocated source from open storage piles, unpaved roadways, or batch transfer operations shall be

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controlled by applying water or other approved dust suppressant on an as needed basis such that the following visible emission conditions are met:

(A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9**, except that the opacity shall be observed at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(B) Visible emissions from unpaved roads shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

- (i) The first will be taken at the time of emission generation.
- (ii) The second will be taken five (5) seconds after the first.
- (iii) The third will be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(C) Visible emissions from material transfer operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(3) All visible emission readings shall be performed by a qualified observer as defined in 326 IAC 1-2-62.

(4) Fugitive particulate emissions at a coal preparation plant, coal mine, or collocated source shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(5) The annual notice required by section 1(d) of this rule shall also include the legal description of the source's location.

(6) Each coal preparation plant, coal mine, or collocated source shall pay a one-time application fee of five hundred dollars (\$500) and an annual fee of six hundred dollars (\$600).

***This document is incorporated by reference. Copies of ASTM methods have been incorporated by reference and are**

available at the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

****This document is incorporated by reference. Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents; may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 2-9-10; filed May 7, 1997, 4:00 p.m.: 20 IR 2310; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 27)**

SECTION 15. 326 IAC 2-9-13 IS AMENDED TO READ AS FOLLOWS:

326 IAC 2-9-13 External combustion sources

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 13. (a) The following definitions apply throughout this section:

- (1) "Boiler" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water above the boiling point for water at the operating pressure.
- (2) "Dryer" means a device that uses the heat generated from combustion of a fuel or electrical resistance to drive off volatile compounds by evaporation from materials processed in such a device.
- (3) "Oven" means a device that uses the heat generated from combustion of a fuel or electrical resistance to cause or expedite a chemical curing process or drive off volatile compounds from material processed in such a device.
- (4) "Process heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat a material so as to augment or expedite its processing.
- (5) "Space heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat the air inside a building or otherwise provide comfort heating.
- (6) "Water heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water below the boiling point for water at the operating pressure.

(b) Any external combustion source, including any combination of boilers, space heaters, ovens, dryers, or water heaters may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

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(1) Visible emissions from the source shall not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*.

(2) One (1) of the following:

(A) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (f), Table 1 for a single fuel or a combination of two (2) fuels.

(B) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (g), Table 2 for a single fuel or a combination of two (2) fuels.

(c) Sources electing to comply with subsection (b)(2)(A) must be able to demonstrate compliance no later than thirty (30) days after receipt of a written request by the department or U.S. EPA. No other demonstration of compliance shall be required. A source specific operating agreement is not required for these sources.

(d) Sources electing to comply with subsection (b)(2)(B) must comply with the requirements of section 1 of this rule and submit a request for a source specific operating agreement accompanied by a one-time application fee of five hundred dollars (\$500).

(e) For sources complying with subsection (b)(2)(B), the following records shall be kept at the source:

- (1) Hours operated for each combustion unit.
- (2) Records of annual fuel usage for each combustion unit.
- (3) Routine maintenance records.

(f) Table 1 limits shall be as follows:

TABLE 1

Fuel	Maximum Fuel Usage per year
Single Fuel	
Natural gas	1,000.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	714.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	181.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,408.0 kgals
Fuel oil #5 and #6 (distillate)	181.0 kgals
Liquified petroleum gas (LPG)	5,263.0 MMCF
Coal (bituminous and subbituminous)	786.0 tons
Bark-only	5,882.0 tons
Wood-only	7,352.0 tons
Wood and bark	7,352.0 tons
Dual Fuel ¹	
Natural gas	976.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgal kgals
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	697.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgal kgals
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	177.0 MMCF

Fuel oil #1 and #2 (distillate)	117.0 kgal kgals
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	83.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	59.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	15.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,291.0 kgal kgals
Fuel oil #5 and #6 (residual)	15.0 kgal kgals
Coal (bituminous and subbituminous)	786.0 tons
Bark, wood, or wood and bark	490.0 tons
Bark, wood, or wood and bark	5,858.0 tons
Coal (bituminous and subbituminous)	65.0 tons

(¹Top fuel is intended to be the primary fuel, the bottom fuel is the secondary fuel.)
 Unit abbreviations:
~~kgal~~ kgals = 10³ gallons
 MMCF = 10⁶ cubic feet

(g) Table 2 limits shall be as follows:

TABLE 2

Fuel	Maximum Fuel Usage per year
Single Fuel	
Natural gas	1,600.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	1,142.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	290.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	2,253.0 kgals
Fuel oil #5 and #6 (residual)	291.0 kgals
Liquified petroleum gas (LPG)	8,421.0 MMCF
Coal (bituminous and subbituminous)	1,258.0 tons
Bark-only	9,411.0 tons
Wood-only	11,764.0 tons
Wood/bark	11,764.0 tons
Dual Fuel ¹	
Natural gas	1,562.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgal kgals
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	1,115.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgal kgals
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	284.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgal kgals
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals

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Natural gas	133.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	95.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	24.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,065.0 kgal kgals
Fuel oil #5 and #6 (residual)	24.0 kgal kgals
Coal (bituminous and subbituminous)	1,258.0 tons
Bark, wood, or wood and bark	784.0 tons
Bark, wood, or wood and bark	9,373.0 tons
Coal (bituminous and subbituminous)	104.0 tons

(¹Top fuel is intended to be the primary fuel; the bottom fuel is the secondary fuel.)

Unit abbreviations:
~~kgal~~ kgals = 10³ gallons
MMCF = 10⁶ cubic feet

~~**Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents; *This document is incorporated by reference. Copies may be obtained from the~~ Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-9-13; filed May 7, 1997, 4:00 p.m.: 20 IR 2313; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 28*)

SECTION 16. 326 IAC 3-4-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 3-4-1 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 1. In addition to the definitions provided in IC 13-11, 326 IAC 1-2, and 326 IAC 2-7, the following definitions apply throughout this article unless expressly stated otherwise:

- (1) "Applicable emission limitation or standard" means any of the following:
 - (A) A state or federal emission limitation or standard applicable to a regulated hazardous air pollutant under 40 CFR 61* or 40 CFR 63*.
 - (B) A state or federal emission limitation or standard applicable to a regulated air pollutant, other than a hazardous air pollutant under Section 112 of the CAA, for which the source is classified as a major source.
- (2) "Calendar quarter" means a three (3) month period

beginning January 1, April 1, July 1, or October 1.

(3) "Certified emissions monitor" means an emissions monitor that meets all applicable performance specifications of 40 CFR 60* or any other performance specification, and for which performance data has been submitted to and approved by the department.

(4) "Emission test", "source sampling test", "compliance test", or "performance test" means a procedure for sampling a gas stream from a single sampling location at a facility, unit, or pollution control equipment, to determine a pollutant emission rate, concentration, or parameter while the facility, unit, or pollution control equipment is operating at conditions that result in measurement of the highest emission or parameter values (prior to any control device), or at other operating conditions approved by the department or U.S. EPA. A test shall comprise three (3) sampling runs for a specified sampling time span. Additional conditions may be required by applicable rules, permit, or enforcement order. The test shall be performed using sampling and analytical procedures approved by the department or U.S. EPA for the specific pollutant or parameter and facility, unit, pollution control equipment, process, or operation.

(5) "Emissions unit" means any part of or activity at a source that emits or has the potential to emit any regulated air pollutant for which an emission limitation or standard has been established. This term does not alter or affect the definition of the term "unit" for purposes of Title IV of the CAA or of the term "emissions unit" for purposes of Title V of the CAA.

(6) "Major source" means any major source as defined in 326 IAC 2-7-1(22), excluding any source described in 326 IAC 2-7-1(22)(A).

(7) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards.

(8) "Monitor system malfunction" means any interruption in the collection of valid data as a result of the failure of any component of the system to operate within the specifications of the applicable performance specification.

(9) "Out of control" means any data collected by a continuous monitoring system during periods immediately following an out of tolerance quality assurance assessment and prior to an acceptable quality assurance assessment.

(10) "Permit" means any applicable permit issued, renewed, amended, revised, or modified under 326 IAC 2-1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9.

(11) "Quality assurance" means those activities performed to ensure that monitoring data are sufficiently representative, accurate, precise, reliable, frequent, and timely. Those activities include, but are not limited to, frequent activities (daily) and less frequent activities (weekly, monthly, quarterly, and yearly).

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be

obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 3-4-1; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2062; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 30*)

SECTION 17. 326 IAC 3-4-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 3-4-3 Conversion factors

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 3. (a) Owners or operators of facilities subject to this article shall use the following procedures for converting monitoring data to units of the standard where necessary:

(1) For fossil fuel-fired steam generators, the following procedures shall be used to convert gaseous emission monitoring data in parts per million (ppm) to pounds per million British thermal units (Btu) (lbs/MMBtu) where necessary:

(A) When the owner or operator of a fossil fuel-fired steam generator elects under this article to measure oxygen (O₂) in flue gases, the measurements of the pollutant concentration and oxygen shall be on a dry basis and the following conversion procedure used:

$$E = CF \frac{(20.9)}{(20.9 - \%O_2)}$$

(B) When the owner or operator elects under this article to measure carbon dioxide (CO₂) in flue gases, the measurement of the pollutant concentration and the CO₂ concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure used:

$$E = CF_c \frac{(100)}{(\%CO_2)}$$

(C) When the owner or operator elects under this article to measure sulfur dioxide (SO₂) or nitrogen oxides (NO_x) in the flue gases, the measurement of the diluent concentration and the SO₂ and the NO_x concentration shall each be on a wet basis and the following conversion procedure used, except where wet scrubbers are employed or where moisture is otherwise added to the stack gases:

$$E = C_{ws} F_w \frac{(20.9)}{(20.9 (1 - B_{wa}) - \%O_{2ws})}$$

(D) When the owner or operator elects under this article to measure SO₂ or NO_x in the flue gases, the measurement of the diluent concentration and the SO₂ and the NO_x concentration shall each be on a wet basis and the following conversion procedure shall be used where wet scrubbers or

moisture is otherwise present in the stack gases, provided water vapor content of the stack gas is measured at least once every fifteen (15) minutes at the same point as the pollutant and oxygen measurements are made:

$$E = C_{ws} F \frac{(20.9)}{(20.9 (1 - B_{ws}) - \%O_{2ws})}$$

(E) The values used in the equations under this subdivision are derived as follows:

C_{ws} = Pollutant concentration at stack conditions in grams per wet standard cubic meter (g/wscm) or pounds per wet standard cubic meter (lbs/wscm), determined by multiplying the average concentration in parts per million (ppm) for each one (1) hour period by 4.15 x 10⁻⁵ M g/wscm per ppm or 2.59 x 10⁻⁹ M lbs/wscm per ppm, where M is pollutant molecular weight in grams per gram-mole (g/g-mole) or pounds per pound-mole (lb/lb-mole).

M = 64.07 for SO₂ and 46.01 for oxides of nitrogen (NO_x) as NO₂.

C = Pollutant concentration at stack conditions in pounds per dry standard cubic meter (lbs/dscm) or grams per dry standard cubic meter (g/dscm).

F, F_c = A factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted (F), and a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted (F_c), respectively. Values of F and F_c are given in 40 CFR 60,* Appendix A, Method 19*, as applicable.

F_w = A factor representing a ratio of the volume of wet flue gases generated to the calorific value of the fuel combusted. Values of F_w are given in 40 CFR 60,* Appendix A, Method 19*.

B_{wa} = Proportion by volume of water vapor in the ambient air.

B_{ws} = Proportion by volume of water vapor in the stack gas.

E = Pollutant emission, lbs/MMBtu.

Percent O₂,

percent CO₂ = Oxygen or carbon dioxide volume (expressed as percent) determined with equipment specified under this article.

Percent O_{2ws} = Oxygen volume (expressed as percent) measurements made at stack conditions on a wet basis.

(2) For sulfuric acid plants or production facilities, the owner or operator shall:

(A) establish a conversion factor three (3) times daily according to the procedures of 40 CFR 60.84(b)*;

(B) multiply the conversion factor by the average sulfur

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dioxide (SO₂) concentration in the flue gases to obtain average SO₂ emissions in pounds per ton (lbs/ton); and (C) report the average sulfur dioxide emissions for each three (3) hour period in excess of the emission standard set forth in 326 IAC 7 in the quarterly summary.

(b) Alternate procedures for computing emission averages that do not require integration of data or alternative methods of converting pollutant concentration measurements to units of the emission standard may be approved by the department if the owner or operator shows that the alternate procedures are at least as accurate as those in this rule.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 3-4-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2063; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 31*)

SECTION 18. 326 IAC 3-5-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 3-5-2 Minimum performance and operating specifications

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 2. Owners and operators of monitoring equipment installed to comply with this rule shall comply with the performance specifications and operating requirements as follows:

(1) Performance specifications set forth in 40 CFR 60,* Appendix B*, shall be used to certify monitoring equipment installed pursuant to this rule; however, where reference is made to the administrator in 40 CFR 60,* Appendix B, the term "department" shall be inserted for purposes of this rule, and where continuous emissions monitors were installed prior to March 1983 for measuring opacity, the performance specifications in 40 CFR 60,* Appendix B*, 1982 Edition, shall apply.

(2) Cycling times, which include the total time a monitoring system requires to sample, analyze, and record an emission measurement, shall be as follows:

(A) Continuous monitoring systems for measuring opacity shall complete a minimum of one (1) cycle of operation (sampling, analyzing, and data recording) for each successive ten (10) second period.

(B) Continuous monitoring systems that measure the following emissions shall complete a minimum of one (1) cycle of operation (sampling, analyzing, and data record-

ing) for each successive fifteen (15) minute measuring period:

- (i) Carbon dioxide (CO₂).
- (ii) Carbon monoxide (CO).
- (iii) Hydrogen sulfide (H₂S).
- (iv) Oxides of nitrogen (NO_x).
- (v) Oxygen (O₂).
- (vi) Sulfur dioxide (SO₂).
- (vii) Total hydrocarbons (THC).
- (viii) Total reduced sulfur (TRS).
- (ix) Volatile organic compounds (VOC).

(3) For opacity monitoring when effluent from two (2) or more affected facilities is combined before being released to the atmosphere, the owner or operator may either:

- (A) install a continuous opacity monitoring system on the combined effluent; or
- (B) install a continuous opacity monitoring system comprised of, and capable of combining the signals from, component transmissometers on each effluent stream.

Results shall be reported on combined effluent. This requirement shall not apply to facilities utilizing wet flue gas desulfurization equipment. For facilities using wet flue gas desulfurization equipment, opacity may be reported on the combined exhaust or on individual exhausts except as provided for facilities affected by an NSPS as described at 40 CFR 60.13(i)*. Compliance for facilities that opt to report on the individual exhausts shall be determined on the individual exhausts based on data provided in accordance with section 7 of this rule.

(4) When the effluent from two (2) or more affected facilities subject to the same emission standard, other than opacity, are combined before being released to the atmosphere, the owner or operator may report the results as required for each affected facility or for the combined effluent.

(5) Instrument full-scale response or upper limit of concentration measurement range for all opacity monitoring systems shall be set at one hundred percent (100%) opacity if possible. If the monitoring system is a requirement of 40 CFR 60*, 40 CFR 61*, 40 CFR 63*, or 40 CFR 75*, then the appropriate instrument span values and cycling times pursuant to the applicable part shall be used. In all cases, the manufacturer's procedures for calibration shall be followed and may result in an upscale maximum response of less than one hundred percent (100%). The minimum instrument full-scale response for gaseous monitoring systems shall be set at two hundred percent (200%) of the expected instrument data display output corresponding to the emission limitation for the facility unless a request for an alternative setting that provides the following information is submitted to and approved by the department in writing:

- (A) The proposed alternate instrument span value.
- (B) The expected range of pollutant measured concentrations.
- (C) The control device in use.
- (D) The process to be controlled.

- (E) The location of the monitor, such as stack or duct.
- (F) The reason for requesting the alternate instrument span value.

(6) Locations for installing continuous monitoring systems or monitoring devices that vary from locations provided under the performance specifications of 40 CFR 60,* Appendix B*, shall be approved by the department and the U.S. EPA upon a demonstration by the owner or operator that installation at alternative locations will enable accurate and representative measurements.

(7) Owners or operators of affected facilities shall conduct continuous emission monitoring system performance evaluations, upon the request of the department, to demonstrate continuing compliance of the continuous emission monitoring systems with performance specifications as follows:

(A) A performance evaluation is a quantitative and qualitative evaluation of the performance of the continuous emission monitor in terms of:

- (i) accuracy;
- (ii) precision;
- (iii) reliability;
- (iv) representativeness; and
- (v) comparability;

of the data acquired by the monitoring system.

(B) The department may request owners or operators of affected facilities, as defined in section 1(b) of this rule, to conduct continuous emission monitoring system performance evaluations if the department has reason to believe, based on review of monitoring data, quality assurance data, inspections, or other information, that the continuous emission monitoring system is malfunctioning or may be providing invalid data over an extended period.

(C) A written report containing the complete information of the performance evaluations shall be furnished to the department within forty-five (45) days after the test date. The department may conduct performance evaluations of the continuous emission monitoring systems at any time in order to verify the continued compliance of the systems with the performance specifications.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 3-5-2; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2066; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 32*)

SECTION 19. 326 IAC 3-5-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 3-5-3 Monitor system certification

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 3. Monitor system certification requirements apply to sources and facilities subject to this rule as follows:

(1) The owner or operator shall conduct the applicable performance specifications tests in accordance with the procedures specified in 40 CFR ~~60**~~, **60***, or other applicable federal regulations, for the required monitoring system as follows:

(A) Not later than one hundred eighty (180) days after a facility start-up or initial monitor installation date.

(B) Not later than forty-five (45) unit operating days after monitor replacement date, or significant monitor repair as described in IDEM's Quality Assurance Manual, Chapter 20 (dated June 20, ~~1997*~~, **1997****), which affects the ability of the analyzer to function date.

(2) The owner or operator shall notify the department in writing as follows:

(A) No less than fourteen (14) days in advance of the start of continuous opacity monitor (COM) certification.

(B) No less than thirty-five (35) days in advance of the certification of a gaseous monitoring system.

(3) The owner or operator shall submit all the required test data and information in the form of a written report to the department for review and approval within forty-five (45) days of completion of the performance specification test.

(4) The department shall issue a written notice of certification status upon review of the complete certification test report. A required monitoring system is certified when the department issues a certification letter stating that the required monitoring system, including all applicable components, has satisfactorily met all federal and state monitoring requirements.

(5) The department may decertify a required monitoring system if an audit or performance evaluation reveals that such monitoring system or a component thereof does not meet applicable performance specifications or requirements. The owner or operator shall repeat the certification process for the required monitoring system within forty-five (45) days of the date of the department's decertification of the required monitoring system.

***Copies of IDEM's Quality Assurance Manual; Chapter 20 (dated June 20, 1997) are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

****Copies of the Code of Federal Regulations (CFR) referenced *This document is incorporated by reference.** Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana

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Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

****This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 3-5-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2067; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567; filed Aug 26, 2004, 11:30 a.m.: 28 IR 33)**

SECTION 20. 326 IAC 3-5-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 3-5-4 Standard operating procedures

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 4. (a) The owner or operator of each affected facility specified in section 1(b) of this rule, any facility subject to 326 IAC 12, or any other facility required to monitor emissions on a continuous basis shall submit to the department, within ninety (90) days after monitor installation, a complete, written continuous monitoring standard operating procedures (SOP). If revisions are made to the SOP, updates shall be submitted to the department biennially. At a minimum, the SOP shall describe complete step-by-step procedures and operations as follows:

- (1) A description of the facility monitored.
- (2) A listing of the following:
 - (A) Each monitor's brand.
 - (B) Model number.
 - (C) Serial number.
 - (D) Monitoring location.
 - (E) Data handling and acquisition system.
- (3) Examples of all reporting and log forms.
- (4) Record keeping and reporting procedures that include the following:
 - (A) Reporting of instrument precision and accuracy.
 - (B) Reporting of emissions data.
- (5) Methods and procedures for analysis and data acquisition.
- (6) Calibration procedures that include the following:
 - (A) Calibration error limits and linearity.
 - (B) Calibration gas type, gas quality, and traceability to the National Institute of Standards and Technology.
 - (C) Calibration frequency.
 - (D) Criteria for recalibration, and analysis procedures to periodically verify the accuracy of span and calibration standards.
- (7) Operation procedures that include daily procedures, quantifying and recording daily zero (0) and high level drift that meet the requirements of 40 CFR 60,* Appendix B*, Performance Specification 2, Section 4.2 or other applicable regulations, and other operating parameter checks indicating correct operational status.

(8) Quality control and quality assurance procedures that include the following:

- (A) A statement of quality policy and objectives.
 - (B) Organization and responsibilities description.
 - (C) Calibration and span and zero (0) drift criteria.
 - (D) Excessive drift criteria.
 - (E) Corrective action for excessive drift.
 - (F) Precision and accuracy audits.
 - (G) Corrective action for accuracy audits failure.
 - (H) Data validity criteria.
 - (I) Participation in department audits.
 - (J) Data recording and calculation audits.
- (9) Preventive maintenance procedures and corrective maintenance procedures that include those procedures taken to ensure continuous operation and to minimize malfunctions.
- (10) A listing of the manufacturer's recommended spare parts inventory.

(b) If a facility owner or operator fails to submit a SOP or submits a SOP that fails to address the factors provided under subsection (a), the department may require a performance evaluation pursuant to section 2 of this rule.

***This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 3-5-4; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2068; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567; filed Aug 26, 2004, 11:30 a.m.: 28 IR 34)**

SECTION 21. 326 IAC 3-5-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 3-5-5 Quality assurance requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 5. (a) Except where 40 CFR 75* is applicable for affected facilities under the acid rain program, quality assurance requirements specified in this section and 40 CFR 60,* Appendix F*, apply to continuous emission monitors that monitor the following:

- (1) Carbon dioxide (CO₂).
- (2) Carbon monoxide (CO).
- (3) Hydrogen sulfide (H₂S).
- (4) Nitrogen oxide (NO_x).
- (5) Oxygen (O₂).
- (6) Sulfur dioxide (SO₂).
- (7) Total hydrocarbons (THC).
- (8) Total reduced sulfur (TRS).

(9) Volatile organic compounds (VOC).

(b) Facilities that are subject to 40 CFR 75* shall follow the quality assurance procedures of 40 CFR 75* and report the results in accordance with subsection (e).

(c) Quality control (QC) requirements for continuous opacity monitoring systems (COMS) are as follows:

(1) For calibration drift (CD) assessment, the COMS shall be checked at least once daily. The CD shall be quantified and recorded at zero (0) (or low level) and upscale level opacity. The COMS shall be adjusted whenever the CD exceeds the specification of 40 CFR 60,* Appendix B*, Performance Specification 1 (PS-1)*, and the COMS shall be declared out of control when the CD exceeds twice the specification of PS-1. Corrective actions, followed by a validating CD assessment, are required when the COMS is out of control.

(2) For fault indicators assessment, the fault lamp indicators, data acquisition system error messages, and other system self-diagnostic indicators shall be checked at least daily. Appropriate corrective actions shall be taken when the COMS is operating outside the preset limits.

(3) For performance audits, checks of the individual COMS components and factors affecting the accuracy of the monitoring data, as described in this subdivision, shall be conducted, at a minimum, on a calendar quarter basis. The absolute minimum checks included in the performance audit are as follows:

(A) The status of the optical alignment of the monitor components shall be checked and recorded according to the procedure specified by the monitor manufacturer. Monitor components must be realigned as necessary.

(B) The apparent effluent opacity shall be compared and recorded before and after cleaning each of the exposed optical surfaces. The total optical surface dust accumulation shall be determined by summing up the apparent reductions in opacity for all of the optical surfaces that are cleaned. Caution should be employed in performing this check since fluctuations in effluent opacity occurring during the cleaning cycle may adversely affect the results.

(C) The zero (0) and upscale response errors shall be determined and recorded according to the CD procedures. The errors are defined as the difference (in percent opacity) between the correct value and the observed value for the zero (0) and high level calibration checks.

(D) The value of the zero (0) compensation applied at the time of the audit shall be calculated as equivalent opacity, corrected to stack exit conditions, according to the procedures specified by the manufacturer. The compensation applied to the effluent recorded by the monitor system shall be recorded.

(E) The optical pathlength correction ratio (OPLR) shall be computed from the monitor pathlength and stack exit diameter and shall be compared, and the difference recorded, to the monitor setup OPLR value. The stack exit

correlation error shall be determined as the absolute value of the difference between the measured value and the correct value, expressed as a percentage of the correct value.

(F) A three-point calibration error test of the COMS shall be conducted. Three (3) neutral density filters meeting the requirements of PS-1 shall be placed in the COMS light beam path. The monitor response shall be independently recorded from the COMS permanent data recorder. Make a total of five (5) nonconsecutive readings for each filter. The low-range, mid-range, and high-range calibration error results shall be computed as the mean difference and ninety-five percent (95%) confidence interval for the difference between the expected and the actual responses of the monitor as corrected to stack exit conditions. These values shall be calculated using the procedure of PS-1, Section 8.0*. The following are requirements for these values:

(i) The calibration error test requires the installation of an external calibration audit device (zero-jig). The zero-jig shall be adjusted to provide the same zero (0) response as the monitor's simulated zero (0).

(ii) Use calibration attenuators, that is, neutral density filters or screens, with values that have been determined according to PS-1, Section 7.1.3, "Attenuator Calibration"*, and produce simulated opacities (as corrected to stack exit conditions) in the ranges listed in Table 1-2 in PS-1*.

(iii) The stability of the attenuator values shall be checked at least once per year according to the procedures specified in PS-1*. The attenuators shall be recalibrated if the stability checks indicate a change of two percent (2%) opacity or greater.

(4) The following are requirements for monitor acceptance criteria:

(A) The following criteria are to be used for determining if the COMS audit results are acceptable:

TABLE 1. PERFORMANCE AUDIT CRITERIA

Stack Exit Correlation Error	≤ 2 percent
Zero and Upscale Responses	≤ 2 percent opacity
Zero Compensation	≤ 4 percent opacity
Optical Alignment	Misalignment error ≤ 2 percent opacity
Optical Surface Dust Accumulation	≤ 4 percent opacity
Calibration Error	≤ 3 percent opacity

(B) The COMS is out of control whenever the results of a quarterly performance audit indicate noncompliance with any of the performance assessment criteria of Table 1 in clause (A). If the COMS is out of control, the owner or operator must take the action necessary to eliminate the problem. Following corrective action, the source owner or operator must reconduct the appropriate failed portion of the audit and other applicable portions to determine whether the COMS is operating properly and within specifications. The COMS owner or operator shall record

both audit results showing the COMS to be out of control and the results following corrective action. COMS data obtained during any out of control period may not be used for compliance determination; the data may be used for identifying periods where there has been a failure to meet quality assurance and control criteria.

(C) Repeated audit failures, that is, out of control conditions resulting from the quarterly audits, indicate that the QC procedures are inadequate or the COMS is incapable of providing quality data. The source owner or operator shall increase the frequency of the above QC procedures until the performance criteria are maintained or modify or replace the COMS whenever two (2) consecutive quarters of unacceptable performance occur.

(5) The performance audit calculations contained in PS-1, Section 8* shall be followed.

(d) Except where 40 CFR 75* is applicable for affected facilities under the acid rain program, quality control requirements for flow monitoring systems are as follows:

(1) For CD assessment, the flow monitoring system shall be checked at least once daily. The CD shall be quantified and recorded at zero (0) (or low level) and upscale level. The flow monitoring systems shall be adjusted whenever the CD exceeds the specification of 40 CFR 60,* Appendix B, Performance Specification 6 (PS-6)*, and the flow monitoring systems shall be declared out of control when the CD exceeds twice the specification of PS-6. Corrective actions, followed by a validating CD assessment, are required when the flow monitoring system is out of control.

(2) An annual relative accuracy test.

(e) Reporting requirements for performance audits are as follows:

(1) Owners or operators of facilities required to conduct:

(A) cylinder gas audit;

(B) relative accuracy test audit; or

(C) continuous opacity monitor calibration error audit;

on continuous emission monitors shall prepare a written report of the results of the performance audit for each calendar quarter, or for other periods required by the department. Quarterly reports shall be submitted to the department within thirty (30) calendar days after the end of each quarter.

(2) The performance audit report shall contain the following information:

(A) Plant and monitor information, including the following:

(i) The plant name and address.

(ii) The monitor brand, model, and serial number.

(iii) The monitor span.

(iv) The monitor location, for example, duct, boiler, unit, or stack designation.

(B) Performance audit information, including the following:

(i) The auditor's name.

(ii) A copy of the audit standard's certification, for example, the vendor's Protocol 1 certification, or neutral

density filter certification.

(iii) All data used to calculate the audit results.

(iv) The audit results and an indication if the monitor passed or failed the audit. If the performance audit results show the CEMS or COMS to be out of control, the CEMS or COMS owner or operator must report both the audit results showing the CEMS or COMS to be out of control and the results of the audit following corrective action showing the COMS to be operating within specification.

(v) Any corrective actions performed as the result of a failed audit.

(f) If a relative accuracy test audit of any continuous emission monitor listed in subsection (a) is performed, the department must be notified at least thirty-five (35) days prior to the audit.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 3-5-5; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2069; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567; filed Aug 26, 2004, 11:30 a.m.: 28 IR 34*)

SECTION 22. 326 IAC 3-6-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 3-6-1 Applicability; test procedures

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 1. This rule applies to any facility emissions testing performed to determine compliance with applicable emission limitations contained in this title, or for any other purpose requiring review and approval by the department (such as an alternate emission factor determination). Emission tests subject to this rule shall be conducted in accordance with any applicable procedures and analysis methods specified in 40 CFR 51*, 40 CFR 60*, 40 CFR 61*, 40 CFR 63*, 40 CFR 75*, or other procedures approved by the department.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 3-6-1; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2072; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567; filed Aug 26, 2004, 11:30 a.m.: 28 IR 36*)

SECTION 23. 326 IAC 3-6-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 3-6-3 Emission testing

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 3. (a) Department staff may observe field test procedures and source operation during the emission test.

(b) All emission tests shall be conducted as follows:

- (1) While the facility being tested is operating at ninety-five percent (95%) to one hundred percent (100%) of its permitted operating capacity.
- (2) Under conditions representative of normal operations.
- (3) Under other capacities or conditions specified and approved by the department. As used in this subdivision, "capacity" means the design capacity of the facility or other operating capacities agreed to by the source and the department.

(c) Facilities subject to 326 IAC 12, New Source Performance Standards, or 326 IAC 20, Hazardous Air Pollutants, shall be tested under conditions as specified in the applicable provision for that facility in 40 CFR 60* or 40 CFR 63* and this rule where appropriate.

(d) The source shall make available at the test site calibration results of the various sampling components. The information shall include the following:

- (1) The date or dates the test was performed.
- (2) The methods used.
- (3) The data.
- (4) The results.

All components requiring calibration shall be calibrated within sixty (60) days prior to the actual test date. Post-test calibrations shall be performed on the components not later than forty-five (45) days after the actual test date. Components requiring calibration are listed in the federal test methods specified in this rule.

(e) The department may perform or require the performance of audits of equipment or procedures associated with the test series up to the time of the actual performance of the test, between test runs, or following the test series. The department reserves the right to perform or observe all associated analyses.

(f) The original or a photocopy of the raw field data generated during the test series shall be provided to the department observer upon request if such request may be reasonably met under the existing circumstances.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are

available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 3-6-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2073; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567; filed Aug 26, 2004, 11:30 a.m.: 28 IR 37*)

SECTION 24. 326 IAC 3-6-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 3-6-5 Specific testing procedures; particulate matter; sulfur dioxide; nitrogen oxides; volatile organic compounds

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 5. (a) Particulate matter tests shall be conducted in accordance with the following procedures:

- (1) 40 CFR 60,* Appendix A, Method 5*, 5A*, 5B*, 5C*, 5D*, 5E*, or 5F*, as applicable, or other procedures approved by the department.
- (2) Visible emissions (VE) evaluations shall be performed in conjunction with a particulate emissions test by a qualified observer in accordance with the procedures contained in 326 IAC 5-1-4. VE readings shall be continuously recorded for at least thirty (30) minutes per hour of sampling time for each sampling repetition. A waiver from this requirement may be granted by the on-site department staff person if adverse conditions exist that would invalidate the VE readings. Complete waivers may not be granted to facilities required to complete opacity testing pursuant to 40 CFR 60.8*. Facilities equipped with continuous opacity monitors may submit the six (6) minute integrated readings of such monitors during the sampling period, instead of performing VE evaluations, provided:

(A) the monitoring system meets the performance specifications as specified in 40 CFR 60,* Appendix B*, and is, or will be, certified by the department; and

(B) the monitor readings submitted with the test include a zero (0) and upscale calibration check before the first test run and following the end of the final run.

(3) At least three (3) repetitions of the test shall be performed under consistent facility operating conditions unless otherwise allowed by the department. For boiler emissions testing, at least one (1) of the three (3) repetitions shall be conducted during a normal sootblowing cycle that is consistent with frequency and duration normally experienced.

(4) At Richmond Power and Light's Whitewater Generating Station, when sootblowing occurs during one (1) of the three (3) repetitions, emission test results shall be evaluated using either a time weighted averaging period (TWAP) or a straight averaging technique. When using TWAP, the following equation shall be used to ensure proper weighting of an intermittent cleaning cycle performance test run regardless of

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the length of the length of the cleaning cycle and regardless of the number and duration of the test runs made on the unit. When using TWAP, the representative pounds per hour of particulate emissions shall be calculated using the following equation:

$$E = E_{cc} \frac{(A + B)}{AR} S + E_{ncc} \frac{(R - S)}{R} - \frac{BS}{AR}$$

- Where:
- E = Pounds per hour of particulate emissions.
 - E_{cc} = Average E of sample containing cleaning cycle.
 - E_{ncc} = Average E of sample containing no cleaning cycle.
 - A = Hours of cleaning cycle operation during sample.
 - B = Hours with no cleaning cycle operation during sample.
 - R = Average hours of operation per twenty-four (24) hours.
 - S = Average hours of cleaning cycle operation per twenty-four (24) hours.

(5) Only those fuels representative of normal fuel quality used during normal operations shall be combusted.

(6) During each repetition, each sampling point shall be sampled for a minimum of two (2) minutes.

(7) The total test time per repetition shall be no less than sixty (60) minutes.

(8) The total sample volume per repetition shall be no less than thirty (30) dry standard cubic feet (dscf).

(9) The total particulate weight collected from the sampling nozzle, probe, cyclone (if used), filter holder (front half), filter, and connecting glassware shall be reported to the department. Particulate analysis of the impinger catch is not required, unless specified by the department.

(b) Sulfur dioxide (SO₂) tests shall be conducted in accordance with the following procedures:

(1) 40 CFR 60,* Appendix A, Method 6*, 6A*, or 6C*, or 8*, as applicable, or other procedures approved by the department.

(2) At least three (3) repetitions of two (2) samples, each according to 40 CFR 60,* Appendix A, Method 6*, 6A*, or 6C*, or three (3) repetitions according to 40 CFR 60,* Appendix A, Method 8*, performed under identical facility operating conditions, shall constitute a test. For boiler emissions testing, only those fuels representative of fuel quality during normal operations shall be combusted.

(3) During each of the repetitions for 40 CFR 60,* Appendix A, Method 8*, each sampling point shall be sampled for a minimum of two (2) minutes.

(4) The total test time per repetition shall be as follows:

(A) For tests using 40 CFR 60,* Appendix A, Method 6*, 6A*, or 6C*, a minimum of twenty (20) minutes per run with a thirty (30) minute interval between each run.

(B) For tests using 40 CFR 60,* Appendix A, Method 8*, a minimum of sixty (60) minutes per run.

(5) The total sample volume per repetition under 40 CFR 60,* Appendix A, Method 8*, shall be no less than forty (40) dry standard cubic feet (dscf).

(c) Nitrogen oxide (NO_x) tests shall be conducted according to the following procedures:

(1) 40 CFR 60,* Appendix A, Method 7*, 7A*, 7B*, 7C*, or 7E*, as applicable, or other procedures approved by the department.

(2) At least three (3) repetitions of four (4) samples each shall constitute a test.

(d) Volatile organic compounds (VOC) emissions tests shall be conducted in accordance with the following procedures:

(1) 40 CFR 60*, Appendix A, Method 25*, or other procedures approved by the department, shall be used for the total nonmethane organic emissions.

(2) At least three (3) samples shall be collected and analyzed.

(3) The total test time per repetition shall be a minimum of sixty (60) minutes.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 3-6-5; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2074; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567; filed Aug 26, 2004, 11:30 a.m.: 28 IR 37*)

SECTION 25. 326 IAC 3-7-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 3-7-2 Coal sampling and analysis methods

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 2. (a) Owners or operators of coal sampling systems for sources with total coal-fired capacity greater than or equal to one thousand five hundred (1,500) million British thermal units (Btus) per hour actual heat input shall follow procedures specified in ASTM D2234-89*, "Standard Methods for Collection of a Gross Sample of Coal", unless otherwise provided in section 3 of this rule. Additionally, the coal sampling system shall meet the following requirements:

(1) The coal sample acquisition point shall be at a location where representative samples of the total coal flow to be combusted by the facility or facilities may be obtained. A single as-bunkered sampling station may be used to represent the coal to be combusted by multiple facilities using the same stockpile feed system.

- (2) The increment collection method is specified in ASTM D2234-89*, Table 1, I-A-1, I-B-1, or I-C-1.
- (3) The opening of the sampling device shall be at least two and one-half (2.5) times the top-size of the coal and not less than one and one-fourth (1.25) inches.
- (4) The sampling device shall have sufficient capacity to completely retain or entirely pass the increment without loss or spillage.
- (5) The velocity with which the cross-stream cutting instrument travels through the stream shall not exceed eighteen (18) inches per second. The velocity requirement shall not apply to a swing-arm sampler or to a sampler whose cutter opening is perpendicular to the stream of coal. Owners or operators of all coal sampling systems shall detail the proper operating procedures in the standard operating procedures document required under section 5 of this rule.
- (6) Increments obtained during the sampling period shall be protected from changes in composition to maintain the integrity of constituent characteristics required to convert sample sulfur content to units of the applicable emission standard.
- (7) A comparison of weight or volume of collected sample with that of the total flow of coal shall be conducted at a minimum of one (1) time every two (2) weeks to assure a constant sampling ratio is maintained for increments composited into a sample representing a single twenty-four (24) hour period.
- (8) A routine inspection of the sampling system shall be established to meet requirements and guidelines specified in ASTM D4702-87*, "Guide for Inspecting Mechanical Coal Sampling Systems that Use Cross-Cut Sample Cutters for Conformance with Current ASTM Methods".
- (9) Composite samples shall be collected for analysis at a minimum of one (1) time per twenty-four (24) hour period.

(b) Owners or operators of coal sampling systems for sources with total coal-fired capacity between one hundred (100) and one thousand five hundred (1,500) million Btus per hour actual heat input shall comply with requirements specified as follows:

- (1) in subsection (a);
- (2) in section 3 of this rule; or
- (3) shall meet the following minimum requirements:
 - (A) The coal sample acquisition point shall be at a location where representative samples of the total coal flow to be combusted by the facility or facilities may be obtained. A single as-bunkered or as-burned sampling station may be used to represent the coal to be combusted by multiple facilities using the same stockpile feed system.
 - (B) Coal shall be sampled at least three (3) times per day and at least one (1) time per eight (8) hour period unless no coal is bunkered during the preceding eight (8) hour period.
 - (C) Minimum sample size shall be five hundred (500) grams.
 - (D) Samples shall be composited and analyzed at the end of each calendar month.

(c) Coal samples shall be prepared for analysis in accordance with procedures specified in ASTM D2013-86*, "Standard Method of Preparing Coal Samples for Analysis". The preparation of samples shall meet the following requirements:

- (1) Samples shall be prepared in accordance with ASTM D2013-86*, Procedure A or Procedure B.
- (2) Sample preparation shall be checked at weekly intervals by performing a split sample of the twenty-four (24) hour composite sample and preparing and analyzing these two (2) identically.

(d) The heat content of coal samples shall be determined in accordance with procedures specified in ASTM D2015-95*, "Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter", or ASTM D3286-91A*, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Isothermal Jacket Bomb Calorimeter". Restandardization requirements in Section 11 of both methods shall be followed. Precision requirements for repeatability shall be verified according to Section 16.1.1 of both methods at a minimum of once per week.

(e) The sulfur content of coal samples shall be determined according to procedures specified in ASTM D3177-89*, "Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke", or ASTM D4239-94*, "Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods". Precision requirements for repeatability shall be verified according to ASTM D3177-89*, Section 13*, or ASTM ~~D4239-94*~~, **D4239-94**, Section 18*, at a minimum of one (1) time per week. The laboratory that performs the analysis shall participate in an interlaboratory audit program using coal samples supplied by the department.

(f) Compliance with this section is required unless a source owner or operator demonstrates to the department that modifications to the coal sampling and analysis procedures at a source are necessary to meet the requirements of this section.

***These documents are incorporated by reference.** Copies of the **American Society for Testing and Materials (ASTM) procedures referenced may be obtained from ASTM, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428, (610) 832-9585** and are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 3-7-2; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2075; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567; filed Aug 26, 2004, 11:30 a.m.: 28 IR 38*)

SECTION 26. 326 IAC 3-7-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 3-7-4 Fuel oil sampling; analysis methods

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 4. (a) Sampling and analysis of the sulfur content of fuel oil shall be performed in accordance with the following ASTM procedures:

(1) Collection of fuel oil samples shall be conducted according to either of the following:

(A) ASTM D4057-88*, "Standard Practice for Manual Sampling of Petroleum and Petroleum Products".

(B) ASTM D4177-82*, "Standard Method for Automatic Sampling of Petroleum and Petroleum Products".

(2) Determination of sulfur content shall be conducted according to any of the following:

(A) ASTM D129-95*, "Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)".

(B) ASTM D1266-91*, "Standard Test Method for Sulfur in Petroleum Products (Lamp Method)".

(C) ASTM D1552-95*, "Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method)".

(D) ASTM D2622-94*, "Standard Test Method for Sulfur in Petroleum Products (X-Ray Spectrographic Method)".

(3) Determination of heat content shall be conducted according to ASTM D240-92*, "Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter".

(b) An owner or operator may, with the prior approval of the department, modify the procedures specified in subsection (a), use alternate equivalent procedures, or rely upon equivalent sampling and analysis procedures performed by the vendor prior to delivery of the fuel oil to the owner or operator.

***These documents are incorporated by reference.** Copies of the American Society for Testing and Materials (ASTM) procedures referenced may be obtained from ASTM, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428, (610) 832-9585 and are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 3-7-4; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2077; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567; filed Aug 26, 2004, 11:30 a.m.: 28 IR 40*)

SECTION 27. 326 IAC 5-1-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 5-1-2 Opacity limitations

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-11; IC 13-17

Sec. 2. Opacity from a source or facility shall not exceed any of the following limitations, and, unless otherwise stated,

opacity levels shall be observed in accordance with the procedures set forth in section 4 of this rule:

(1) Sources or facilities of opacity located in areas not listed in section 1(c) of this rule shall meet the following limitations:

(A) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period.

(B) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9* or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

(2) Sources or facilities of opacity located in the areas listed in section 1(c) of this rule shall meet the following limitations:

(A) Opacity shall not exceed an average of thirty percent (30%) in any one (1) six (6) minute averaging period.

(B) Opacity from a facility located in Lake County shall not exceed an average of twenty percent (20%) in any one (1) six (6) minute averaging period unless otherwise specified in 326 IAC 6-1-10.1. This opacity limit shall supersede the opacity limit contained in clause (A).

(C) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9* or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

(3) Opacity from Richmond Power & Light's Coal Boiler No. 1 and Coal Boiler No. 2 shall not exceed an average of thirty percent (30%) in any one (1) six (6) minute averaging period. Effective May 1, 1999, opacity from Richmond Power & Light's Coal Boiler No. 1 and Coal Boiler No. 2 shall not exceed an average of twenty-five percent (25%) in any one (1) six (6) minute averaging period.

(4) Sources and facilities of opacity, for which an alternate opacity limitation has been established under section 5(b) of this rule, shall comply with the limitations in section 5(b) of this rule instead of the limitations in subdivisions (1) and (2).

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 5-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2421; filed May 12, 1993, 11:30 a.m.: 16 IR 2364; filed Jun 15, 1995, 1:00 p.m.: 18 IR 2727; errata filed Jul 6, 1995, 5:00 p.m.: 18 IR 2795; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3049; filed Oct 9, 1998, 3:56 p.m.: 22 IR 427; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567; filed Aug 26, 2004, 11:30 a.m.: 28 IR 40*)

SECTION 28. 326 IAC 5-1-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 5-1-4 Compliance determination

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12
Affected: IC 13-11; IC 13-17

Sec. 4. (a) Determination of opacity from sources or facilities to which this rule applies shall be made in accordance with subdivision (1) or (2) as follows:

- (1) Determination of opacity by means of visible emissions readings shall be made in accordance with 40 CFR 60, Appendix A, Method 9*.
- (2) For a source or facility in compliance with the requirements of 326 IAC 3-5, determination of compliance with visible emission limitations established in this rule may also be made in accordance with a source's or facility's continuous monitoring equipment if determined appropriate by the department or the U.S. EPA.

(b) This subsection applies in the event of a conflict between the opacity readings obtained under subsection (a)(1) and those obtained under subsection (a)(2) for the same time period. If the conflict occurs, the commissioner may require that the source perform an audit on the opacity monitoring system consistent with 326 IAC 3-5-2(7)(B). After reviewing the results of the audit, if performed, enforcement action may be taken based on the opacity readings obtained under subsection (a)(1) or the opacity readings obtained under subsection (a)(2). This does not preclude a source from using the opacity readings obtained under subsection (a)(2) or other relevant information to refute the findings of the commissioner.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 5-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2422; filed May 12, 1993, 11:30 a.m.: 16 IR 2365; filed Oct 9, 1998, 3:56 p.m.: 22 IR 430; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567; filed Aug 26, 2004, 11:30 a.m.: 28 IR 41*)

SECTION 29. 326 IAC 5-1-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 5-1-5 Violations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12
Affected: IC 13-11; IC 13-17

Sec. 5. (a) Except as provided in section 4(b) of this rule, a violation of this rule shall constitute prima facie evidence of a violation of the applicable mass emission limitation. A violation of the mass emission rule may be refuted by a performance test

conducted in accordance with 326 IAC 3-6. The test shall refute the mass emission violation only if the source is shown to be in compliance with the allowable mass emission limit. An exceedance of the allowable opacity emission limit during a performance test shall not be treated as a violation of the applicable mass emission limitation if, during the test described in 326 IAC 3-6, the source demonstrates compliance with the allowable mass emission limit while simultaneously having opacity more than or equal to the reading at which the exceedance was originally observed.

(b) If a source or facility believes it can operate in compliance with the applicable mass emission limitation, but exceeds the limits specified in section 2 of this rule, the owner or operator may submit a written petition to the commissioner requesting that an alternate opacity limitation (AOL) be established.

(1) The petition must be submitted to the commissioner, and a copy submitted to the local air pollution control agency, if applicable, no later than sixty (60) days prior to the scheduled performance test date. The petition must contain, at a minimum, the following information:

- (A) Source name and address.
- (B) Address of affected source if different from clause (A).
- (C) List of potentially affected parties.
- (D) Identification of control device or devices and typical operating parameters.
- (E) Applicable particulate matter (PM or PM₁₀) and opacity limits.
- (F) Other applicable rule requirements or permit conditions.
- (G) Proposed alternative opacity limit.
- (H) The reason or reasons for requesting the alternative opacity limit.
- (I) Complete test protocol in accordance with 326 IAC 3-6.

(2) The alternative opacity limit shall be based upon a series of three (3) complete mass emission tests (nine (9) sample runs) conducted according to the procedures specified in 326 IAC 3 and three (3) opacity tests conducted simultaneously, according to section 4 of this rule. Where the commissioner determines there is no acceptable test method available, a request for an alternative opacity limit shall be denied.

(3) The performance tests must be witnessed by the commissioner, U.S. EPA, the local air pollution control agency, or their authorized representatives unless other arrangements are made in advance of the start of the testing that will allow the testing to proceed without agency staff present to observe the tests.

(4) The owner or operator must demonstrate that the following conditions were met during the performance test:

- (A) The source or emissions unit was operated according to its permitted conditions and under normal or representative operating conditions.
- (B) The associated air pollution control system was installed and was being operated as specified in any applicable permit condition or conditions.
- (C) The air pollution control equipment was properly

maintained and in good operating condition, and was operated according to the manufacturer's recommended operating conditions to minimize emissions and opacity.

(D) The affected emissions unit and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity limit, except during:

- (i) periods when the control equipment is not operating properly; or
- (ii) other exempt periods under section 3 of this rule.

(E) Each test was conducted under reasonably similar operating conditions.

(F) Any other conditions as required by the commissioner or the U.S. EPA.

(5) The commissioner may require one (1) or more of the following:

(A) The installation of a continuous opacity monitoring system that meets the requirements of 326 IAC 3.

(B) Monitoring sufficient to demonstrate compliance with the alternative opacity limit.

(C) Regular reporting to verify compliance with the alternative opacity limit.

(6) The alternative opacity limit shall only apply to the emissions unit for which the alternative opacity limit was originally established and shall not be extended to any other unit or units.

(7) For multiple units or processes with a common stack, all units must be in operation during the entire test series unless operational limitations are specified in the operation permit or simultaneous operation does not conform with the source's operating procedures.

(8) The alternative opacity limit shall be determined based on the results of the performance tests.

(9) The particulate matter test results for each sample run must demonstrate compliance with all applicable particulate matter limits or standards. If noncompliance is demonstrated during any sample run, the test series is not valid for an alternative opacity limit determination.

(10) The alternative opacity limit established for a source shall be incorporated by amendment into the source's operating permit and submitted to the U.S. EPA in accordance with section 7 of this rule.

(11) If the alternative opacity limit exceeds an applicable new source performance standard (NSPS) opacity limit, the provisions in 40 CFR 60.11* must be satisfied in addition to the procedures in this rule. The procedures shall be approved by the U.S. EPA, the commissioner, and the local air pollution control agency as appropriate.

(c) Nothing in this rule shall be construed as allowing an exception or exemption from a requirement in a state or federal new source performance standard without approval by the U.S. EPA.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office,

732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 5-1-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2423; filed May 12, 1993, 11:30 a.m.: 16 IR 2366; filed Oct 9, 1998, 3:56 p.m.: 22 IR 431; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567; filed Aug 26, 2004, 11:30 a.m.: 28 IR 41*)

SECTION 30. 326 IAC 7-2-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 7-2-1 Reporting requirements; methods to determine compliance

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-14-8; IC 13-15; IC 13-17

Sec. 1. (a) As used in this article, "weighing factor" means the daily quantity of coal bunkered or megawatt generation or other appropriate measure of the output of a combustion source.

(b) As used in this article, "rolling weighted average sulfur dioxide emission rate" means the summation of the average sulfur dioxide emission rate times the daily weighing factor divided by the summation of the weighing factors.

(c) Owners or operators of sources or facilities subject to 326 IAC 7-1.1 or 326 IAC 7-4 shall submit to the commissioner the following reports based on fuel sampling and analysis data obtained in accordance with procedures specified under 326 IAC 3-7:

(1) Fuel combustion sources with total coal-fired heat input capacity greater than or equal to one thousand five hundred (1,500) million British thermal units (Btus) per hour shall submit quarterly reports of the thirty (30) day rolling weighted average sulfur dioxide emission rate in pounds per million Btus. Records of the daily average coal sulfur content, coal heat content, weighing factor, and daily average sulfur dioxide emission rate in pounds per million Btus shall be submitted to the department in the quarterly report and maintained by the source owner or operator for a period of at least two (2) years.

(2) Fuel combustion sources with total coal-fired heat input capacity greater than one hundred (100) and less than one thousand five hundred (1,500) million Btus per hour shall submit quarterly reports of the calendar month average coal sulfur content, coal heat content, and sulfur dioxide emission rate in pounds per million Btus and the total monthly coal consumption.

(3) All other fuel combustion sources shall submit reports of calendar month average sulfur content, heat content, fuel consumption, and sulfur dioxide emission rate in pounds per million Btus upon request.

(d) Compliance or noncompliance with the emission limitations contained in 326 IAC 7-1.1 or 326 IAC 7-4 may be

determined by a stack test conducted in accordance with 326 IAC 3-6 utilizing procedures outlined in 40 CFR 60,* Appendix A, Method 6*, 6A*, 6C*, or 8*.

(e) Fuel sampling and analysis data shall be collected pursuant to the procedures specified in 326 IAC 3-7-2 or 326 IAC 3-7-3 for coal combustion or 326 IAC 3-7-4 for oil combustion, and these data may be used to determine compliance or noncompliance with the emission limitations contained in 326 IAC 7-1.1 or 326 IAC 7-4. Computation of calculated sulfur dioxide emission rates from fuel sampling and analysis data shall be based on the emission factors contained in U.S. EPA publication AP-42* ~~“Compilation of Air Pollutant Emission Factors” (September 1988)*~~; unless other emission factors based on site-specific sulfur dioxide measurements are approved by the commissioner and the U.S. EPA. Fuel sampling and analysis data shall be collected as follows:

(1) For coal-fired fuel combustion sources with heat input capacity greater than or equal to one thousand five hundred (1,500) million Btus per hour, compliance or noncompliance shall be determined using a thirty (30) day rolling weighted average sulfur dioxide emission rate in pounds per million Btus unless a shorter averaging time or alternate averaging methodology is specified for a source under this article.

(2) For all other combustion sources, compliance or noncompliance shall be determined using a calendar month average sulfur dioxide emission rate in pounds per million Btus unless a shorter averaging time or alternate averaging methodology is specified for a source under this article.

(f) A determination of noncompliance pursuant to either the method specified in subsection (d) or (e) shall not be refuted by evidence of compliance pursuant to the other method.

(g) Upon written notification of a facility owner or operator to the department, continuous emission monitoring data collected and reported pursuant to 326 IAC 3-5 may be used as the means for determining compliance with the emission limitations in this article. Upon such notification, the other requirements of this rule shall not apply.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and AP-42 referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of pertinent sections or are also available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Room 1001, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 7-2-1; filed Aug 28, 1990, 4:50 p.m.: 14 IR 52; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2078; errata filed Feb 9, 1999, 4:06 p.m.: 22 IR 2006; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Nov 7, 2001, 3:00 p.m.: 25 IR 813; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565; filed Aug 26, 2004, 11:30 a.m.: 28 IR 42)

SECTION 31. 326 IAC 7-4-10 IS AMENDED TO READ AS FOLLOWS:

326 IAC 7-4-10 Warrick County sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-15; IC 13-17; IC 13-22

Sec. 10. (a) The following sources and facilities located in Warrick County shall comply with the sulfur dioxide emission limitations in pounds per million Btu, unless otherwise specified, and other requirements:

(1) Southern Indiana Gas and Electric Company (SIGECO)

Facility Description	Emission Limitations
(A) Culley Units 1, 2, and 3	
Prior to December 31, 1989	6.0 each
Beginning December 31, 1989	5.41 each
Beginning August 1, 1991	2.79 each
(Units 1 and 2 only)	

(B) As an alternative to the emission limitations specified in clause (A), beginning August 1, 1991, sulfur dioxide emissions from Culley Units 1 and 2 shall be limited in pounds per million Btu as follows:

Facility Description	Emission Limitations
Unit 1	0.0006
Unit 2	4.40

(C) SIGECO shall notify the department and the U.S. EPA via certified mail at least fourteen (14) days prior to its intention to rely on the set of limits in clause (B) or to switch between sets of limits listed in clauses (A) through (B).

(D) For the purposes of 326 IAC 7-2-1(c)(1), during thirty (30) day periods in which SIGECO relies on more than one (1) set of limits contained in clauses (A) through (B), a separate thirty (30) day rolling weighted average for each set of limits shall be determined. Each thirty (30) day rolling weighted average shall be based on data from the previous thirty (30) operational days within the last ninety (90) days for that set of limits. If SIGECO does not operate thirty (30) days under any one (1) set of limits within the last ninety (90) days, the rolling weighted average shall be based on all operational days within the last ninety (90) days for that set of limits.

(2) Aluminum Company of America (ALCOA) Warrick Power Plant

Facility Description	Emission Limitations
Units 1, 2, 3, and 4	
Prior to December 31, 1989	6.0 each
Beginning December 31, 1989	5.41 each
Beginning August 1, 1991	5.11 each
Unit 4 is jointly owned by ALCOA and SIGECO.	

(3) ALCOA Warrick Power Plant and SIGECO Culley Plant
 (A) As an alternative to the emission limitations specified

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in subdivisions (1) through (2) and upon fulfilling the requirements of clause (B), sulfur dioxide emissions from the Warrick and Culley Plants shall be limited to one (1) of the sets of limitations in pounds per million Btu specified as follows:

Source	Facility Description	Emission Limitations
(i) Warrick Plant SIGECO Culley	Units 1-4	5.4 per stack
	Unit 1	2.0
	Unit 2	2.0
	Unit 3	5.4
(ii) Warrick Plant SIGECO Culley	Units 1-4	5.4 per stack
	Unit 1	0.0006
	Unit 2	3.2
	Unit 3	5.4
(iii) Warrick Plant SIGECO Culley	Units 1-4	5.4 per stack
	Unit 1	5.4
	Unit 2	0.0006
	Unit 3	5.4

(B) SIGECO and ALCOA shall jointly provide notification via certified mail to the department and to the U.S. EPA prior to December 1, 1989, of their intention to begin permanent reliance on one (1) of the sets of limitations specified in clause (A). The written notification shall contain written evidence of a notarized agreement between SIGECO and ALCOA concerning the applicable set of limitations. Beginning December 31, 1989, sulfur dioxide emissions from each unit shall be limited to five and four-tenths (5.4) pounds per million Btu. Beginning August 1, 1991, SIGECO shall achieve compliance with the applicable emission limitation for each unit with a final emission limitation of three and two-tenths (3.2) pounds per million Btu or less.

(4) ALCOA-Warrick Smelter Operations shall comply with the sulfur dioxide emission limitations in pounds per hour, unless otherwise specified, and other requirements as follows:

Facility Description	Emission Limitations
(A) Potline 1:	
All stacks associated with scrubber	176.3
Roof monitors associated with Potline 1	19.6
(B) Potline 2:	
All stacks associated with scrubber	195.2
Roof monitors associated with Potline 2	21.7
(C) Potline 3:	
All vents or stacks associated with scrubber	195.2
Roof monitors associated with Potline 3	21.7
(D) Potline 4:	
All vents associated with scrubber	195.2
Roof monitors associated with Potline 4	21.7
(E) Potline 5:	
All stacks associated with scrubber	195.2
Roof monitors associated with Potline 5	21.7

(F) Potline 6:	
All stacks associated with scrubber	195.2
Roof monitors associated with Potline 6	21.7
(G) Potlines 1, 2, 3, 4, 5, and 6	5,608 tons per year total
(H) Anode Bake Ring Furnace	94.1 (412 tons per year)

Any sulfur dioxide emission limitation established in a permit issued in conformance with the prevention of significant deterioration rules under 326 IAC 2-2 and/or 40 CFR 52*, if more stringent, shall supersede the requirements in this subdivision.

(b) Compliance with the pounds per hour limitations specified in subsection (a)(4) shall be based on a stack test pursuant to 326 IAC 7-2-1(b).

(c) Compliance with the tons per year limitations specified in subsection (a)(4) shall be based on a rolling twelve (12) consecutive month emission total. Monthly sulfur dioxide emissions shall be determined from calendar month material balances using actual average sulfur content and material throughput. Quarterly reports shall be submitted to the department containing the calendar month and rolling twelve (12) month sulfur dioxide emissions from the smelter operations (potline scrubber stacks, roof monitors, and anode bake ring furnace). The report shall include documentation of the data and methodology used to calculate the monthly sulfur dioxide emissions and shall be submitted by the end of the month following the end of the quarter.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of pertinent sections or are also available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 7-4-10; filed Aug 28, 1990, 4:50 p.m.: 14 IR 75; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 43*)

SECTION 32. 326 IAC 8-1-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-1-4 Testing procedures
Authority: IC 13-14-8; IC 13-14-9-7
Affected: IC 13-15; IC 13-17

Sec. 4. (a) The following test methods and procedures shall be used to determine compliance of as-applied coatings with the limitations contained in this article:

(1) Sampling procedures shall follow the guidelines presented in the following:

(A) ASTM D3925, "Standard practice for sampling liquid paints and related pigment coatings"*.

(B) ASTM E300, "Standard practice for sampling industrial chemicals"*.

(2) Samples collected for analysis shall be one (1) liter taken into a one (1) liter container at a location and time such that the sample will be representative of the coating as applied. The container must be tightly sealed immediately after the sample is taken. Any solvent or other volatile organic material added after the sample is taken must be measured and accounted for in the calculations in subdivision (4). For multiple package coatings, separate samples of each component shall be obtained.

(3) The following applicable analytical methods shall be used to determine the composition of coatings as applied:

(A) Method 24 of 40 CFR 60, Appendix A**, shall be used to determine the volatile organic compound content in coatings. If it is demonstrated to the satisfaction of the commissioner that plant coating formulation data are equivalent to Method 24 results, formulation data may be used. Any determination approving the use of formulation data shall be submitted to the U.S. EPA as a SIP revision. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern.

(B) Method 24A of 40 CFR 60, Appendix A**, shall be used to determine the volatile organic compound content and density of rotogravure printing inks and related coatings. If it is demonstrated to the satisfaction of the commissioner that plant coating formulation data are equivalent to Method 24A results, formulation data may be used. Any determination approving the use of formulation data shall be submitted to the U.S. EPA as a SIP revision. In the event of any inconsistency between a Method 24A test and a facility's formulation data, the Method 24A test will govern.

(C) The following ASTM methods are the analytical procedures for determining certain factors related to coatings:

(i) ASTM D1475-60, "Standard test method for density of paint, varnish, lacquer, and related products"*.

(ii) ASTM D2369-87, "Standard test method for volatile content of a coating"*.

(iii) ASTM D3792-86, "Standard test method for water content of water-reducible paints by direct injection into a gas chromatograph"*.

(iv) ASTM D4017-81, "Standard test method for water content in paints and paint materials by the Karl Fischer method"*.

(v) ASTM D4457-85, "Standard test method for determination of dichloromethane and 1, 1, 1, trichloroethane in paints and coatings by direct injection into a gas chromatograph"*.

protocols for any compound specifically exempted from the definition of volatile organic compound.

(vi) ASTM D2697-86, "Standard test method for volume nonvolatile matter in clear or pigmented coatings"*.

(vii) ASTM D3980, "Standard practice for interlaboratory testing of paint and related materials"*.

(viii) ASTM E180-85, "Practice for determining the precision data of ASTM methods for analysis of and testing of industrial chemicals"*.

(ix) ASTM D2372-85, "Standard method of separation of vehicle from solvent-reducible paints"*.

(D) The commissioner may determine that the analytical methods specified in clauses (A) through (C) are not appropriate to determine compliance and may either specify or allow an alternate test method. Such alternate test method shall be submitted to the U.S. EPA as a SIP revision.

(4) Calculations for determining the volatile organic compound content, water content, and the content of any compounds which are specifically exempted from the definition of volatile organic compound of coatings, inks, and fountain solutions as applied shall follow the guidance provided in the following documents:

(A) EPA 340/1-86-016, "A Guide for Surface Coating Calculation"***. **Calculation****.

(B) EPA 450/3-84-019, "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings", revised June 1986***. **1986***.

(C) EPA 340/1-88-004, "A Guideline for Graphic Arts Calculations", June 1988***. **1988***.

(b) The protocol for determining the transfer efficiency of coating applicators at topcoat coating operations at an automobile assembly facility shall follow the procedure in EPA 450/3-88-018, "Protocol for Determining the Daily VOC Emission Rate of Automobile and Light Duty Truck Topcoat Operations", December 1988***. **1988***.

(c) The following test methods, as appropriate, shall be used by emission sources required to determine capture efficiency:

(1) Test methods in 40 CFR 51, Appendix M**, as follows:

(A) Method 204, Criteria for and Verification of a Permanent or Temporary Total Enclosure**.

(B) Method 204A, Volatile Organic Compounds Content in Liquid Input Stream**.

(C) Method 204B, Volatile Organic Compounds Emissions in Captured Stream**.

(D) Method 204C, Volatile Organic Compounds Emissions in Captured Stream (Dilution Technique)**.

(E) Method 204D, Volatile Organic Compounds Emissions in Uncaptured Stream from Temporary Total Enclosure**.

(F) Method 204E, Volatile Organic Compounds Emissions in Uncaptured Stream from Building Enclosure**.

(G) Method 204F, Volatile Organic Compounds Content in Liquid Input Stream (Distillation Approach)**.

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(2) Alternative capture efficiency protocols and test methods may be used that satisfy criteria of either the data quality objective approach or the lower confidence limit approach as listed in 40 CFR 63, Subpart KK, Appendix A**.

(d) Control device efficiency shall be determined by simultaneously measuring the inlet and outlet gas phase volatile organic material concentrations and gas volumetric flow rates in accordance with the gas phase test methods specified in subsection (f).

(e) The overall efficiency of the emission control system shall be determined as the product of each individual capture system efficiency and each control device efficiency or by the liquid/liquid test protocol for each solvent recovery system. In those cases in which the overall efficiency is being determined for an entire line, the capture efficiency represents the total capture efficiency over the entire line.

(f) Determination of control efficiency shall be made using the following methods: ~~in 40 CFR 60, Appendix A**.~~

(1) **40 CFR 60, Appendix A**, Method 18**, 25**, or 25A**, as appropriate to the conditions at the site, shall be used to determine volatile organic compound concentration. Method selection shall be based on consideration of the diversity of organic species present, their total concentration, and on consideration of the potential presence of interfering gases. Except as indicated in the following, the test shall consist of three (3) separate runs, each lasting a minimum of sixty (60) minutes, unless the commissioner determines that process variables dictate shorter sampling times:

(A) When the method is to be used to determine the efficiency of a fixed-bed carbon adsorption system with a common exhaust stack for all the individual adsorber vessels, the test shall consist of three (3) separate runs, each coinciding with one (1) or more complete sequences through the adsorption cycles of all the individual adsorber vessels.

(B) When the method is to be used to determine the efficiency of a fixed-bed carbon adsorption system with individual exhaust stacks for each adsorber vessel, each adsorber vessel shall be tested individually. The test for each adsorber vessel shall consist of three (3) separate runs. Each run shall coincide with one (1) or more complete adsorption cycles.

(2) **40 CFR 60, Appendix A**, Method 1** or 1A** shall be used for sample and velocity traverses.

(3) **40 CFR 60, Appendix A**, Method 2**, 2A**, 2C**, or 2D** shall be used for velocity and volumetric flow rates.

(4) **40 CFR 60, Appendix A**, Method 3** shall be used for gas analysis.

(5) **40 CFR 60, Appendix A**, Method 4** shall be used for stack gas moisture.

(6) **40 CFR 60, Appendix A**, Methods 2**, 2A**, 2C**, 2D**, 3*, and 4** shall be performed, as applicable, at least twice during each test run.

(g) The method for determining the emissions of gasoline from a vapor recovery system are delineated in 40 CFR Part 60, Subpart XXX, Section 60.503**. Guidance on conducting the test will be found in the following:

(1) EPA 340/1-80-012, "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing ~~Operations~~****Operations**".

(2) EPA 450/2-77-026, "Control of Hydrocarbons from Tank Truck Gasoline Loading ~~Terminals~~****Terminals**".

(h) The method for determining volatile organic compound emissions from organic solvent degreasing operations are delineated in EPA 905/2-78-001, "Regulatory Guidance for Control of Volatile Organic Compound Emissions from 15 Categories of Stationary Sources", Section XX.9404, pages 48 and ~~49~~****49**.*

(i) The VOC emissions from sources engaged in synthesized pharmaceutical manufacturing (326 IAC 8-5-3), pneumatic rubber tire manufacturing (326 IAC 8-5-4), and graphic arts system (326 IAC 8-5-5) shall be determined using the Method 25 contained in 40 CFR Part 60, Appendix A**.

(j) Compliance with the gap requirement for external floating roof tanks shall be determined using the test procedure specified in the U.S. EPA guideline document EPA 450/2-78-047, "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof ~~Tanks~~****Tanks**".

(k) The volume percent solids of a coating shall be calculated using either EPA 450/3-84-019*, "Procedures for Certifying Quantity of VOCs Emitted by Paint, Ink, and Other Coatings", December ~~1984~~****1984*** and no later amendments or using some other equivalent method. Such equivalent method shall be submitted to U.S. EPA as a SIP revision.

(l) An owner or operator of a source must be able to document that the coating manufacturer used either ASTM D2369-87* or other equivalent method to determine the volatile content of the coatings supplied and must also be able to document that the coating manufacturer used EPA ~~450/3-84-019~~****450/3-84-019*** or other equivalent method to calculate the volume percent solids content of the coatings. Such equivalent method shall be submitted to the U.S. EPA as a SIP revision.

(m) The commissioner or U.S. EPA may verify any test results submitted by a source. In the event of any inconsistency between test results, the commissioner's or U.S. EPA's test results will take precedence over results submitted by the source.

*These documents ~~have been~~ **are** incorporated by reference. **and Copies** are available at the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959; (610) 832-9585 **or for review and copying** at the Indiana Department of Environ-

mental Management, Office of Air Management. **Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

****These documents have been are incorporated by reference. and are available at Copies may be obtained from** the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and copying from** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

*****These EPA guidance documents have been incorporated by reference and are available at the Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 (919/541-2777) or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220: (Air Pollution Control Board; 326 IAC 8-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2529; filed Sep 23, 1988, 11:59 a.m.: 12 IR 257; filed May 19, 1990, 5:00 p.m.: 13 IR 1847; filed May 6, 1991, 4:45 p.m.: 14 IR 1714; filed Jun 15, 2001, 12:10 p.m.: 24 IR 3619; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565; filed Aug 26, 2004, 11:30 a.m.: 28 IR 44)**

SECTION 33. 326 IAC 8-4-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-4-6 Gasoline dispensing facilities

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12-3-1

Sec. 6. (a) The following definitions apply throughout this section:

- (1) "Average monthly volume" means the amount of motor fuel dispensed per month from a gasoline dispensing facility based upon a monthly average for a two (2) year period from November 1990 through October 1992, or, if not available, the monthly average for the most recent twelve (12) calendar months. Monthly averages shall include only those months when the facility was operating.
- (2) "CARB" means the California Air Resources Board.
- (3) "Certified" means any vapor collection and control system which has been tested and approved by CARB as having a vapor recovery and removal efficiency of at least ninety-five percent (95%) by weight.
- (4) "Constructed" means fabricated, erected, or installed and refers to any facility, emission source, or air pollution control equipment.
- (5) "Dynamic backpressure test" means a test procedure used to determine the pressure drop (flow resistance) through vapor collection and control systems, including nozzles, vapor hoses, swivels, dispenser piping, and underground piping, at prescribed flow rates. Test procedures for this test can be found in EPA 450/3-91-022b, "Technical Guidance-Stage II Vapor Recovery Systems for Control of

Vehicle Refueling Emissions at Gasoline Dispensing Facilities"*.

- (6) "Employee" means any person who performs work for an employer for compensation.
- (7) "Facility" means any building, structure, installation, operation, or combination located on contiguous properties and under common ownership that provides for the dispensing of motor vehicle fuel.
- (8) "Gasoline dispensing facility" means any facility where gasoline is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of two thousand one hundred seventy-six (2,176) liters (five hundred seventy-five (575) gallons) or more. Diesel fuel and kerosene are not considered to be motor vehicle fuels.
- (9) "Independent small business marketer of gasoline" means a person engaged in the marketing of gasoline who:
 - (A) is not a refiner;
 - (B) does not control, is not controlled by, or is not under common control with a refiner;
 - (C) is not otherwise directly or indirectly affiliated with a refiner or a person who controls, is controlled by, or is under a common control with a refiner (unless the sole affiliation referred to in this subdivision is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person); and
 - (D) receives less than fifty percent (50%) annual income from the marketing of gasoline.
- (10) "Liquid blockage test" means a test procedure used to detect low points in any vapor collection and control system where condensate may accumulate. Test procedures can be found in EPA 450/3-91-022b, "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities"*.
- (11) "Modification" means any change, removal, or addition, other than a certified replacement of any component contained within the vapor collection system and control system.
- (12) "Motor vehicle" means any self-propelled vehicle powered by an internal combustion engine, including, but not limited to, the following:
 - (A) Automobiles.
 - (B) Trucks.
 - (C) Motorcycles.
- (13) "Motor vehicle fuel" means any petroleum distillate having a Reid vapor pressure of more than four (4) pounds per square inch and which is used to power motor vehicles. Diesel fuel and kerosene are not considered to be motor vehicle fuels.
- (14) "Owner or operator" means any person who owns, leases, operates, manages, supervises, or controls, directly or indirectly, a gasoline dispensing facility.
- (15) "Pressure decay or leak test" means a test procedure used to quantify the vapor tightness of a vapor collection and control system installed at gasoline dispensing facilities. Test procedures can be found in EPA 450/3-91-022b, "Technical

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Guidance—Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities”*.

(16) “Vapor collection and control systems” means any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapor displaced during the dispensing of motor vehicle fuel into motor vehicle fuel tanks.

(b) No owner or operator of a gasoline dispensing facility shall allow the transfer of gasoline between any transport and any storage tank unless such tank is equipped with the following:

- (1) A submerged fill pipe.
- (2) Either a pressure relief valve set to release at no less than seven-tenths (0.7) pounds per square inch or an orifice of five-tenths (0.5) inch in diameter.
- (3) A vapor balance system connected between the tank and the transport, operating according to manufacturer’s specifications.

(c) If the owner or employees of the owner of a gasoline dispensing facility are not present during loading, it shall be the responsibility of the owner or the operator of the transport to make certain the vapor balance system is connected between the transport and the storage tank and is operating according to manufacturer’s specifications.

(d) The provisions of subsection (e) shall apply to any gasoline dispensing facility located in Clark, Floyd, Lake, or Porter County except if the gasoline dispensing facility:

- (1) dispenses an average monthly volume of less than ten thousand (10,000) gallons of gasoline per month; or
- (2) is an independent small business marketer of gasoline who dispenses an average monthly volume of less than fifty thousand (50,000) gallons of gasoline per month.

(e) No owner or operator of a gasoline dispensing facility shall cause or allow the dispensing of motor vehicle fuel at any time unless all motor vehicle fuel dispensing operations are equipped with and utilize a certified vapor collection and control system which is properly installed and operated as follows:

- (1) No vapor collection and control system shall be installed, used, or maintained unless the system has been certified by CARB and meets the testing requirements specified in subsection (k)(6).
- (2) Any vapor collection and control system utilized shall be maintained in accordance to its certified configuration and with the manufacturer’s specification and maintenance schedule.
- (3) No elements or components of a vapor collection and control system shall be modified, removed, replaced, or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications.
- (4) A vapor collection and control system shall not be

operated with defective, malfunctioning, missing, or noncertified components. The following requirements apply to a vapor collection and control system:

(A) All parts of the system which can be visually inspected must be checked daily by the operator of the facility for the following malfunctions:

- (i) Absence or disconnection of any component required to be used to certify the system.
- (ii) A vapor hose which is crimped or flattened such that the vapor passage is blocked or severely restricted.
- (iii) A nozzle boot which is torn in either of the following manners:

(AA) A triangular shaped or similar tear one-half (½) inch or more to a side or a hole one-half (½) inch or more in diameter or length.

(BB) Slit one (1) inch or more in length.

(iv) A faceplate or flexible cone which is damaged in the following manner:

(AA) For balance nozzles and nozzles for aspirator and educator assist type systems, damage shall be such that the capability to achieve a seal with a fill pipe interface is affected for one-fourth (¼) of the circumference of the faceplate (accumulated).

(BB) For nozzles for vacuum assist type systems that use a flexible cone, having more than one-fourth (¼) of the flexible cone missing.

(v) A nozzle shutoff mechanism which malfunctions in any manner.

(vi) A vacuum producing device which is inoperative.

(B) Any defect in the system which is discovered in clause (A) will require the immediate shutdown of the affected pumps until proper repairs are made.

(C) A signed daily log of the daily inspection in clause (A) shall be maintained at the facility.

(D) One (1) operator or employee of the gasoline dispensing facility shall be trained and instructed annually in the proper operation and maintenance of a vapor collection and control system.

(E) Instructions shall be posted in a conspicuous and visible place within the motor vehicle fuel dispensing area for the system in use at that station. The instructions shall clearly describe how to fuel vehicles correctly with the vapor recovery nozzles utilized at that station. The instructions shall also include a warning that repeated attempts to continue dispensing motor vehicle fuel after the system has indicated that the vehicle fuel tank is full, may result in a spillage of fuel.

(f) Facilities subject to the requirements of subsection (e) shall demonstrate compliance according to the following schedule:

- (1) Six (6) months after promulgation in the case of gasoline dispensing facilities for which construction commenced after the date of enactment of the Clean Air Act Amendments of 1990 (November 15, 1990).

(2) One (1) year after promulgation in the case of gasoline dispensing facilities which dispense at least one hundred thousand (100,000) gallons of gasoline per month, based on average monthly sales for the two (2) year period prior to November 15, 1992.

(3) Two (2) years after promulgation in the case of all other gasoline dispensing facilities.

(4) Any gasoline dispensing facility described in both subdivisions (1) and (2) shall meet the requirements of subdivision (1).

(5) New facilities constructed after the promulgation of this rule shall comply with the requirements of subsection (e) upon startup of the facility.

(6) Existing facilities previously exempted from, but which become subject to, the requirements of subsection (e) shall comply with the requirements of subsection (e) within one (1) year from the date the facility became subject.

(g) Any gasoline dispensing facility that becomes subject to the provisions of subsection (e) at any time shall remain subject to the provisions of subsection (e) at all times.

(h) Upon request by the agency, the owner or operator of a gasoline dispensing facility which claims to be exempt from the requirements of this section shall submit records to the agency within thirty (30) calendar days from the date of the request which demonstrates that the gasoline dispensing facility is in fact exempt.

(i) Any gasoline dispensing facility subject to subsection (e) shall retain copies of all records and reports adequate to clearly demonstrate the following:

(1) That a certified vapor collection and control system has been installed and tested to verify its performance according to its specifications.

(2) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements.

(3) The time period and duration of all malfunctions of the vapor collection and control system.

(4) The motor vehicle fuel throughput of the facility for each calendar month of the previous year.

(5) That operators and employees are trained and instructed in the proper operation and maintenance of the vapor collection and control system.

(j) All records and reports required in subsection (i) shall be made available to the agency upon request. All records shall be retained for a period of two (2) years.

(k) Within forty-five (45) days after the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the agency a registration form which shall be provided by the department of environmental management, office of air management, which

provides, at a minimum, the following:

(1) The name, address, and telephone number of the facility.

(2) The signature of the owner or operator.

(3) The CARB executive order number for the vapor collection and control system to be utilized.

(4) The number of nozzles, excluding diesel and kerosene, used for motor vehicle refueling.

(5) The monthly average volume of motor vehicle fuel dispensed.

(6) The date of completion of installation of the vapor collection and control system. Completion of installation includes the successful passing of a vapor leakage and blockage test. A vapor leakage and blockage test must, at a minimum, include the following:

(A) A pressure decay or leak test.

(B) A dynamic pressure drop test.

(C) A liquid blockage test.

The results of these tests must be submitted with the registration form specified in this subsection.

(l) All vapor collection and control systems shall be retested for vapor leakage and blockage, and successfully pass the test, at least every five (5) years or upon major system replacement or modification. A major system modification is considered to be replacing, repairing, or upgrading seventy-five percent (75%) or more of a vapor collection and control system of a facility.

~~*These materials have been~~ ***This document is** incorporated by reference. ~~and Copies are available upon payment of a for review and copying charge from at~~ the Indiana Department of Environmental Management, Office of Air ~~Management,~~ **Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 8-4-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2540; filed Aug 11, 1989, 1:40 p.m.: 13 IR 8; filed Nov 30, 1990, 4:20 p.m.: 14 IR 605; filed Oct 28, 1993, 5:00 p.m.: 17 IR 332; filed Sep 18, 1995, 3:00 p.m.: 19 IR 203; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3349; errata filed Feb 18, 1997, 4:00 p.m.: 20 IR 1738; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 47*)

SECTION 34. 326 IAC 8-4-9 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-4-9 Leaks from transports and vapor collection systems; records

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 9. (a) This section is applicable to the following:

(1) All vapor balance systems and vapor control systems at sources subject to sections 4 through 6 of this rule.

(2) All gasoline transports subject to section 7 of this rule.

(b) No person shall allow a gasoline transport that is subject

to this rule and that has a capacity of two thousand (2,000) gallons or more to be filled or emptied unless the gasoline transport completes the following:

(1) Annual leak detection testing before the end of the twelfth calendar month following the previous year's test, according to test procedures contained in 40 CFR 63.425(e)*, as follows:

(A) Conduct the pressure and vacuum tests for the transport's cargo tank using a time period of five (5) minutes. The initial pressure for the pressure test shall be four hundred sixty (460) millimeters H₂O (eighteen (18) inches H₂O) gauge. The initial vacuum for the vacuum test shall be one hundred fifty (150) millimeters H₂O (six (6) inches H₂O) gauge. The maximum allowable pressure or vacuum change is twenty-five (25) millimeters H₂O (one (1) inch H₂O) in five (5) minutes.

(B) Conduct the pressure test of the cargo tank's internal vapor valve as follows:

(i) After completing the test under clause (A), use the procedures in 40 CFR 60, Appendix A, Method 27* to repressurize the tank to four hundred sixty (460) millimeters H₂O (eighteen (18) inches H₂O) gauge. Close the transport's internal vapor valve or valves, thereby isolating the vapor return line and manifold from the tank.

(ii) Relieve the pressure in the vapor return line to atmospheric pressure, then reseal the line. After five (5) minutes, record the gauge pressure in the vapor return line and manifold. The maximum allowable five (5) minute pressure increase is one hundred thirty (130) millimeters H₂O (five (5) inches H₂O).

(2) Repairs by the gasoline transport owner or operator, if the transport does not meet the criteria of subdivision (1), and retesting to prove compliance with the criteria of subdivision (1).

(c) The annual test data remain valid until the end of the twelfth calendar month following the test. The owner of the gasoline transport shall be responsible for compliance with subsection (b) and shall provide the owner of the loading facility with the most recent valid modified 40 CFR 60, Appendix A, Method 27* test results upon request. The owner of the loading facility shall take all reasonable steps, including reviewing the test date and tester's signature, to ensure that gasoline transports loading at its facility comply with subsection (b).

(d) The owner or operator of a vapor balance system or vapor control system subject to this rule shall:

(1) design and operate the applicable system and the gasoline loading equipment in a manner that prevents:

(A) gauge pressure from exceeding four thousand five hundred (4,500) pascals (eighteen (18) inches of H₂O) and a vacuum from exceeding one thousand five hundred (1,500) pascals (six (6) inches of H₂O) in the gasoline transport;

(B) except for sources subject to 40 CFR 60.503(b)* (Standards of Performance for New Stationary Sources) or

40 CFR 63.425(a)* (National Emission Standards for Hazardous Air Pollutants) requirements, a reading equal to or greater than twenty-one thousand (21,000) parts per million as propane, from all points on the perimeter of a potential leak source when measured by the method referenced in 40 CFR 60, Appendix A, Method 21*, or an equivalent procedure approved by the commissioner during loading or unloading operations at gasoline dispensing facilities, bulk plants, and bulk terminals; and

(C) avoidable visible liquid leaks during loading or unloading operations at gasoline dispensing facilities, bulk plants, and bulk terminals; and

(2) within fifteen (15) days, repair and retest a vapor balance, collection, or control system that exceeds the limits in subdivision (1).

(e) The department may, at any time, monitor a gasoline transport, vapor balance, or vapor control system to confirm continuing compliance with subsection (b) or (c).

(f) The owner or operator of a vapor balance or vapor control system subject to this section shall maintain records of all certification testing. The records shall identify the following:

(1) The vapor balance, vapor collection, or vapor control system.

(2) The date of the test and, if applicable, retest.

(3) The results of the test and, if applicable, retest.

The records shall be maintained in a legible, readily available condition for at least two (2) years after the date the testing and, if applicable, retesting were completed.

(g) The owner or operator of a gasoline transport subject to this section shall keep a legible copy of the transport's most recent valid annual modified 40 CFR 60, Appendix A, Method 27* test either in the cab of the transport or affixed to the transport trailer. The test record shall identify the following:

(1) The gasoline transport.

(2) The type and date of the test and, if applicable, date of retest.

(3) The test methods, test data, and results certified as true, accurate, and in compliance with this rule by the person who performs the test.

This copy shall be made available immediately upon request to the department and to the owner of the loading facility for inspection and review. The department shall be allowed to make copies of the test results.

(h) If the commissioner allows alternative test procedures in subsection (b)(1) or (d)(1)(B), such method shall be submitted to the U.S. EPA as a SIP revision.

(i) During compliance tests conducted under 326 IAC 3-6 (stack testing), each vapor balance or control system shall be tested applying the standards described in subsection (d)(1)(B). Testers shall use 40 CFR 60, Appendix A, Method 21* to

determine if there are any leaks from the hatches and the flanges of the gasoline transports. If any leak is detected, the transport cannot be used for the capacity of the compliance test of the bulk gas terminal. The threshold for leaks shall be as follows:

- (1) Five hundred (500) parts per million methane for all bulk gas terminals subject to NESHAP/MACT (40 CFR 63, Subpart R*).
- (2) Ten thousand (10,000) parts per million methane for all bulk gas terminals subject to New Source Performance Standards (40 CFR 60, Subpart XX*) and for all other bulk gas terminals.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-4-9; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2542; filed Nov 30, 1990, 4:20 p.m.: 14 IR 606; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3351; filed Oct 5, 1999, 3:46 p.m.: 23 IR 299; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Jan 14, 2002, 2:57 p.m.: 25 IR 1906; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 49*)

SECTION 35. 326 IAC 8-7-7 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-7-7 Test methods and procedures

Authority: IC 13-14-8; IC 13-17-3
Affected: IC 13-11; IC 13-17

Sec. 7. The owner or operator of any source subject to this rule shall be subject to the applicable test method requirements of 326 IAC 8-1-4 and in 40 CFR 60, Appendix A*.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 Copies of pertinent sections or are also available from for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-7-7; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1228; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 51*)

SECTION 36. 326 IAC 8-9-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-9-2 Exemptions

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 2. This rule does not apply to the following vessels:

- (1) Vessels at coke oven byproduct plants.
- (2) Pressure vessels designed to operate in excess of twenty-nine and four-tenths (29.4) pounds per square inch absolute and without emissions to the atmosphere.
- (3) Vessels that are permanently attached to mobile vehicles such as trucks, rail cars, barges, or ships.
- (4) Vessels with a design capacity less than or equal to four hundred twenty thousand (420,000) gallons used for petroleum or condensate stored, processed, or treated prior to custody transfer.
- (5) Vessels located at bulk gasoline plants.
- (6) Storage vessels located at gasoline service stations.
- (7) Vessels used to store beverage alcohol.
- (8) Stationary vessels that are subject to any provision of 40 CFR 60,* Subpart Kb, New Source Performance Standard for Volatile Organic Liquid Storage*.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-9-2; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 51*)

SECTION 37. 326 IAC 8-9-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-9-3 Definitions

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 3. The following definitions apply throughout this rule:

- (1) "Condensate" means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.
- (2) "Custody transfer" means the transfer of produced petroleum and condensate, or both, after processing or treatment, or both, in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other forms of transportation.
- (3) "Fill" means the introduction of VOL into a storage vessel but not necessarily to complete capacity.
- (4) "Gasoline service station" means any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage vessels.
- (5) "Maximum true vapor pressure" means the equilibrium partial pressure exerted by a volatile organic liquid. The maximum true vapor pressure of VOLs stored at or above the ambient temperature shall correspond to the highest calendar month average storage temperature and shall be determined as follows:

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(A) Maximum true vapor pressure for VOLs stored at or above the ambient temperature shall be determined using the following procedures:

- (i) For gasolines and naphtha, either of the following:
 - (AA) Figures 17A and 17B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994*.
 - (BB) Figure 4.3-6, AP-42*, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1985*.
- (ii) For crude oils, either of the following:
 - (AA) Figures 18A and 18B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994*.
 - (BB) Figure 4.3-5, AP-42*, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1985*.
- (iii) For VOLs, other than those in item (i) or (ii), procedures on page D-146, Vapor Pressures, Critical Temperatures, and Critical Pressures of Organic Compounds, Handbook of Chemistry and Physics, 51st Edition, 1970-1971, Chemical Rubber Company*.
- (iv) Maximum true vapor pressure for VOLs stored at or above ambient temperatures shall be determined at the following temperatures:

(AA) In Lake and Porter Counties, seventy-three (73) degrees Fahrenheit. (~~73°F~~).

(BB) In Clark and Floyd Counties, seventy-seven and seven-tenths (77.7) degrees Fahrenheit. (~~77.7°F~~).

(B) Alternatively, the owner or operator or the department and the U.S. EPA may require measurement of vapor pressure. ASTM Method D323-92* or a method acceptable to the department and U.S. EPA shall be used. If a discrepancy exists between the results obtained from methods in clause (A) and methods used in this clause, the results in this clause shall prevail.

(6) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(7) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.

(8) "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by the following methods:

(A) For gasoline, only, ASTM ~~D323-82*~~. **D323-82****.

(B) For gasoline-ethanol blends, ASTM ~~D-5190*~~, **D-5190****, ASTM ~~D-5191*~~, **D-5191****, ASTM ~~5482*~~. **5482****.

(9) "Vessel" means each tank, reservoir, or container used for the storage of VOLs but does not include either of the following:

(A) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors.

(B) Subsurface caverns or porous rock reservoirs.

(10) "Volatile organic liquid" or "VOL" means any organic liquid that can emit volatile organic compounds (VOCs) into the atmosphere except those VOLs that emit only those compounds that the department has determined do not contribute appreciably to the formation of ozone.

(11) "Waste" means any liquid resulting from industrial, commercial, mining, or agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or recycled.

***These documents are incorporated by reference.** Copies of ~~Figures 17A and 17B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994; Figure 4.3-6, AP-42, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1985; Figures 18A and 18B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994; Figure 4.3-5, AP-42, Compilation of Air Pollutant Emission Factors, Volume I (Stationary Point and Area Sources), Fourth Edition, September 1985; Procedures on page D-146, Vapor Pressures, Critical Temperatures, and Critical Pressures of Organic Compounds, Handbook of Chemistry and Physics, 51st Edition, 1970-1971, Chemical Rubber Company; ASTM Method D323-92; ASTM D323-82; ASTM D-5190; ASTM D-191; and ASTM 5482~~ referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or **are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

****These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 8-9-3; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056; errata filed Dec 19, 1995, 3:15 p.m.: 19 IR 1141; errata, 19 IR 1372; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 51*)

SECTION 38. 326 IAC 8-9-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-9-4 Standards

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 4. (a) The owner or operator of each vessel with a capacity greater than or equal to thirty-nine thousand (39,000) gallons, that stores VOL with a maximum true vapor pressure greater than or equal to seventy-five hundredths (0.75) pound

per square inch absolute (psia) but less than eleven and one-tenth (11.1) psia shall do the following:

- (1) On or before May 1, 1996, for each vessel having a permanently affixed roof, install one (1) of the following:
 - (A) An internal floating roof meeting the standards in subsection (c).
 - (B) A closed vent system and control device meeting the standards in subsection (d).
 - (C) An equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).
- (2) For each vessel having an internal floating roof, install one (1) of the following:
 - (A) At the time of the next scheduled cleaning, but not later than ten (10) years after May 1, 1996, an internal floating roof meeting the standards in subsection (c).
 - (B) On or before May 1, 1996, a closed vent system and control device meeting the standards in subsection (d).
 - (C) On or before May 1, 1996, an equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).
- (3) For each vessel having an external floating roof, install one (1) of the following:
 - (A) At the time of the next scheduled cleaning, but not later than ten (10) years after May 1, 1996, an external floating roof meeting the standards in subsection (e).
 - (B) On or before May 1, 1996, a closed vent system meeting the standards in subsection (d).
 - (C) On or before May 1, 1996, an equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).
- (4) For each vessel subject to this subsection, the owner or operator described in the report required in section 6(b) of this rule, install one (1) of the following:
 - (A) Emission control equipment.
 - (B) A schedule for vessel cleaning and installation of emission control equipment.

(b) On or before May 1, 1996, the owner or operator of each vessel with a capacity greater than or equal to thirty-nine thousand (39,000) gallons, that stores VOL with a maximum true vapor pressure greater than or equal to eleven and one-tenth (11.1) psia shall equip each vessel with a closed vent system with a control device meeting the standards of subsection (d).

(c) Standards applicable to each internal floating roof are as follows:

- (1) The internal floating roof shall float on the liquid surface, but not necessarily in complete contact with it, inside a vessel that has a permanently affixed roof.
- (2) The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the vessel is completely emptied or subsequently emptied and refilled.
- (3) When the roof is resting on the leg supports, the process

of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

- (4) Each internal floating roof shall be equipped with one (1) of the following closure devices between the wall of the vessel and the edge of the internal floating roof:
 - (A) A foam or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal).
 - (B) Two (2) seals mounted one (1) above the other so that each forms a continuous closure that completely covers the space between the wall of the vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.
 - (C) A mechanical shoe seal that consists of a metal sheet held vertically against the wall of the vessel by springs or weighted levers and that is connected by braces to the floating roof. A flexible coated fabric, or envelope, spans the annular space between the metal sheet and the floating roof.
 - (5) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents shall provide a projection below the liquid surface.
 - (6) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains shall be equipped with a cover or lid that shall be maintained in a closed position at all times (with no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.
 - (7) Automatic bleeder vents shall be equipped with a gasket and shall be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.
 - (8) Rim space vents shall be equipped with a gasket and shall be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.
 - (9) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least ninety percent (90%) of the opening.
 - (10) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.
- (d) Standards applicable to each closed vent system and control device are as follows:
- (1) The closed vent system shall be designed to collect all VOC vapors and gases discharged from the vessel and operated with no detectable emission as indicated by an instrument reading of less than five hundred (500) parts per million (ppm) above background and visual inspections as determined by the methods specified in 40 CFR 60, Subpart VV, 60.485(C)*.
 - (2) The control device shall be designed and operated to reduce inlet VOC emissions by ninety-five percent (95%) or

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greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements in 40 CFR 60.18, General Provisions*.

(e) Standards applicable to each external floating roof are as follows:

(1) Each external floating roof shall be equipped with a closure device between the wall of the vessel and the roof edge. The closure device shall consist of two (2) seals, one (1) above the other. The lower seal shall be referred to as the primary seal; the upper seal shall be referred to as the secondary seal.

(2) Except as provided in section 5(c)(4) of this rule, the primary seal shall completely cover the annular space between the edge of the floating roof and vessel wall and shall be either a liquid-mounted seal or a shoe seal.

(3) The secondary seal shall completely cover the annular space between the external floating roof and the wall of the vessel in a continuous fashion except as allowed in section 5(c)(4) of this rule.

(4) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface.

(5) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a gasketed cover, seal, or lid that shall be maintained in a closed position at all times, without visible gap, except when the device is in actual use.

(6) Automatic bleeder vents shall be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

(7) Rim vents shall be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents shall be gasketed.

(8) Each emergency roof drain shall be provided with a slotted membrane fabric cover that covers at least ninety percent (90%) of the area of the opening.

(9) The roof shall be floating on the liquid at all times, for example, off the roof leg supports, except when the vessel is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.

***These documents are incorporated by reference.** Copies of 40 CFR 60, Subpart VV, 60.485(C); and 40 CFR 60.18, General Provisions referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-9-4; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1057; errata filed Dec*

12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 52)

SECTION 39. 326 IAC 8-9-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-9-5 Testing and procedures

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 5. (a) The owner or operator of each vessel subject to section 4(a) of this rule shall meet the requirements of subsection (b), (c), or (d).

(b) On and after May 1, 1996, except as provided in section 4(a)(2) of this rule, the owner or operator of each vessel equipped with an internal floating roof shall meet the following requirements:

(1) Visually inspect the internal floating roof, the primary seal, and the secondary seal, if one is in service, prior to filling the vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the vessel.

(2) For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal, if one is in service, through manholes and roof hatches on the fixed roof at least once every twelve (12) months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the vessel from service within forty-five (45) days. If a failure that is detected during inspections required in this section cannot be repaired in forty-five (45) days and if the vessel cannot be emptied within forty-five (45) days, a thirty (30) day extension may be requested from the department in the inspection report required in section 6(c)(3) of this rule. Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(3) For vessels equipped with both primary and secondary seals:

(A) visually inspect the vessel as specified in subdivision (4), at least every five (5) years; or

(B) visually inspect the vessel as specified in subdivision (2).

(4) Visually inspect the internal floating roof, the primary seal, the secondary seal, if one is in service, gaskets, slotted membranes, and sleeve seals each time the vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other

openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than ten percent (10%) open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subdivision exist before refilling the vessel with VOL. In no event shall the inspections required by this subsection occur at intervals greater than ten (10) years in the case of vessels conducting the annual visual inspection as specified in subdivisions (2) and (3)(B) and at intervals no greater than five (5) years in the case of vessels specified in subdivision (3)(A).

(5) Notify the department in writing at least thirty (30) days prior to the filling or refilling of each vessel for which an inspection is required by subdivisions (1) and (4) to afford the department the opportunity to have an observer present. If the inspection required by subdivision (4) is not planned and the owner or operator could not have known about the inspection thirty (30) days in advance of refilling the vessel, the owner or operator shall notify the department at least seven (7) days prior to the refilling of the vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification, including the written documentation, may be made in writing and sent by express mail so that it is received by the department at least seven (7) days prior to the refilling.

(c) On and after May 1, 1996, except as provided in section 4(a)(3) of this rule, the owner or operator of each vessel equipped with an external floating roof shall meet the following requirements:

(1) Determine the gap areas and maximum gap widths between the primary seal and the wall of the vessel and between the secondary seal and the wall of the vessel according to the following frequency:

(A) Measurements of gaps between the vessel wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within sixty (60) days of the initial fill with VOL and at least once every five (5) years thereafter.

(B) Measurements of gaps between the vessel wall and the secondary seal shall be performed within sixty (60) days of the initial fill with VOL and at least once per year thereafter.

(C) If any source ceases to store VOL for a period of one (1) year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for purposes of this subdivision.

(2) Determine gap widths and areas in the primary and secondary seals individually by the following procedures:

(A) Measure seal gaps, if any, at one (1) or more floating roof levels when the roof is floating off the roof leg supports.

(B) Measure seal gaps around the entire circumference of the vessel in each place where a one-eighth (C) inch diameter uniform probe passes freely (without forcing or

binding against seal) between the seal and the wall of the vessel and measure the circumferential distance of each such location.

(C) The total surface area of each gap described in clause (B) shall be determined by using probes of various widths to measure accurately the actual distance from the vessel wall to the seal and multiplying each such width by its respective circumferential distance.

(3) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each by the nominal diameter of the vessel and compare each ratio to the respective standards in subdivision (4).

(4) Make necessary repairs or empty the vessel within forty-five (45) days of identification of seals not meeting the requirements listed in clauses (A) and (B) as follows:

(A) The accumulated area of gaps between the vessel wall and the mechanical shoe or liquid-mounted primary seal shall not exceed ten (10) square inches per foot of vessel diameter, and the width of any portion of any gap shall not exceed one and five-tenths (1.5) inches. There shall be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(B) The secondary seal shall meet the following requirements:

(i) The secondary seal shall be installed above the primary seal so that it completely covers the space between the roof edge and the vessel wall except as provided in subdivision (2)(C).

(ii) The accumulated area of gaps between the vessel wall and the secondary seal used in combination with a metallic shoe or liquid-mounted primary seal shall not exceed one (1) square inch per foot of vessel diameter, and the width of any portion of any gap shall not exceed five-tenths (0.5) inch. There shall be no gaps between the vessel wall and the secondary seal when used in combination with a vapor-mounted primary seal.

(iii) There shall be no holes, tears, or other openings in the seal or seal fabric.

(C) If a failure that is detected during inspections required in subdivision (1) cannot be repaired within forty-five (45) days and if the vessel cannot be emptied within forty-five (45) days, a thirty (30) day extension may be requested from the department in the inspection report required in section 6(d)(3) of this rule. Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(5) Notify the department thirty (30) days in advance of any gap measurements required by subdivision (1) to afford the department the opportunity to have an observer present.

(6) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed. For all visual inspections, the following requirements apply:

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(A) If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this clause exist before filling or refilling the vessel with VOL.

(B) The owner or operator shall notify the department in writing at least thirty (30) days prior to the filling or refilling of each vessel to afford the department the opportunity to inspect the vessel prior to the filling. If the inspection required by this subdivision is not planned and the owner or operator could not have known about the inspection thirty (30) days in advance of refilling the vessel, the owner or operator shall notify the department at least seven (7) days prior to the refilling of the vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the department at least seven (7) days prior to the refilling.

(d) The owner or operator of each vessel that is equipped with a closed vent system and control device described in section 4(a)(1)(B), 4(a)(2)(B), or 4(a)(3)(B) of this rule and meeting the requirements of section 4(d) of this rule, other than a flare, shall meet the following requirements:

(1) On or before January 1, 1996, submit to the department an operating plan containing the following information:

(A) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation shall include a description of the gas stream that enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapor gases, or liquid other than fuels from sources that are not subject to this rule, the efficiency demonstration shall include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of seventy-five hundredths (0.75) second and a minimum temperature of eight hundred sixteen degrees Centigrade (816°C) is used to meet the ninety-five percent (95%) requirement, documentation that those conditions will exist is sufficient to meet the requirements of this subdivision.

(B) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used to monitor the parameter or parameters.

(2) Operate the closed vent system and control device and monitor the parameters of the closed vent system and control

device in accordance with the operating plan submitted to the department in accordance with subdivision (1) unless the plan was modified by the department during the review process. In this case, the modified plan applies.

(e) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in section 4(a)(4) or 4(d) of this rule shall meet the requirements specified in the general control device requirements in 40 CFR 60.18(e)* and 40 CFR 60.18(f)*.

***These documents are incorporated by reference.** Copies of ~~40 CFR 60.18(e) and 40 CFR 60.18(f)~~ referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or **are available for review and copying** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-9-5; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1059; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 54*)

SECTION 40. 326 IAC 8-9-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-9-6 Record keeping and reporting requirements

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 6. (a) The owner or operator of each vessel subject to this rule shall keep all records required by this section for three (3) years unless specified otherwise. Records required by subsection (b) shall be maintained for the life of the vessel.

(b) The owner or operator of each vessel to which section 1 of this rule applies shall maintain a record and submit to the department a report containing the following information for each vessel:

(1) The vessel identification number.

(2) The vessel dimensions.

(3) The vessel capacity.

(4) A description of the emission control equipment for each vessel described in section 4(a) and 4(b) of this rule, or a schedule for installation of emission control equipment on vessels described in section 4(a) or 4(b) of this rule with a certification that the emission control equipment meets the applicable standards.

(c) The owner or operator of each vessel equipped with a permanently affixed roof and internal floating roof shall comply with the following record keeping and reporting requirements:

(1) Keep a record of each inspection performed as required by section 5(b)(1) through 5(b)(4) of this rule. Each record shall identify the following:

- (A) The vessel inspected by identification number.
- (B) The date the vessel was inspected.
- (C) The observed condition of each component of the control equipment, including the following:
 - (i) Seals.
 - (ii) Internal floating roof.
 - (iii) Fittings.
- (2) If any of the conditions described in section 5(b)(2) of this rule are detected during the required annual visual inspection, a record shall be maintained and a report shall be furnished to the department within thirty (30) days of the inspection. Each report shall identify the following:
 - (A) The vessel by identification number.
 - (B) The nature of the defects.
 - (C) The date the vessel was emptied or the nature of and date the repair was made.
- (3) After each inspection required by section 5(b)(3) of this rule that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in section 5(b)(3)(B) of this rule, a record shall be maintained and a report shall be furnished to the department within thirty (30) days of the inspection. The report shall identify the following:
 - (A) The vessel by identification number.
 - (B) The reason the vessel did not meet the specifications of section 4(a)(1)(A), 4(a)(2)(A), or 5(b) of this rule and list each repair made.
- (d) The owner or operator of each vessel equipped with an external floating roof shall comply with the following record keeping and reporting requirements:
 - (1) Keep a record of each gap measurement performed as required by section 5(c) of this rule. Each record shall identify the vessel in which the measurement was made and shall contain the following:
 - (A) The date of measurement.
 - (B) The raw data obtained in the measurement.
 - (C) The calculations described in section 5(c)(2) and 5(c)(3) of this rule.
 - (2) Within sixty (60) days of performing the seal gap measurements required by section 5(c)(1) of this rule, furnish the department with a report that contains the following:
 - (A) The date of measurement.
 - (B) The raw data obtained in the measurement.
 - (C) The calculations described in section 5(c)(2) and 5(c)(3) of this rule.
 - (3) After each seal gap measurement that detects gaps exceeding the limitations specified in section 5(c) of this rule, submit a report to the department within thirty (30) days of the inspection. The report shall identify the vessel and contain the information specified in subdivision (2) and the date the vessel was emptied or the repairs made and date of repair.
- (e) The owner or operator of each vessel equipped with a closed vent system with a control device shall comply with the

- following record keeping and reporting requirements:
- (1) Owner or operators that equip the vessel with a control device other than a flare shall do the following:
 - (A) On or before January 1, 1996, submit an operating plan as required by section 4(d) of this rule.
 - (B) Maintain records of the following:
 - (i) The operating plan.
 - (ii) Measured values of the parameters monitored according to section 5(d)(2) of this rule.
 - (2) Owner or operators that equip the vessel with a closed vent system and a flare shall meet the following requirements:
 - (A) Keep records of all periods of operation during which the flare pilot flame is absent.
 - (B) Furnish the department with a report containing the measurements required by 40 CFR 60.18(f)(1) through 40 CFR 60.18(f)(5)* as required by 40 CFR 60.8. This report shall be submitted within six (6) months of the initial start-up date.
 - (C) Furnish the department with a semiannual report of all periods recorded under 40 CFR 60.115* in which the pilot flame was absent.
 - (f) The owner or operator of each vessel equipped with a closed vent system and control device meeting the standards of section 4 of this rule is exempt from the requirements of subsections (g) and (h).
 - (g) Except as provided in subsections (f) and (j), the owner or operator of each vessel either with a design capacity greater than or equal to thirty-nine thousand (39,000) gallons storing a VOL with a maximum true vapor pressure greater than or equal to five-tenths (0.5) pound per square inch absolute (psia) but less than seventy-five hundredths (0.75) psia shall maintain a record of the maximum true vapor pressure of the VOL stored in each vessel. The record for each vessel shall contain the following information:
 - (1) The type of VOL stored.
 - (2) The dates of the VOL storage.
 - (3) For each day of VOL storage, the average stored temperature for VOLs stored above or below the ambient temperature or average ambient temperature for VOLs stored at ambient temperature, and the corresponding maximum true vapor pressure.
 - (h) Except as provided in subsection (f), the owner or operator of each vessel with a design capacity greater than or equal to thirty-nine thousand (39,000) gallons storing a liquid with a maximum true vapor pressure that is normally less than seventy-five hundredths (0.75) psia shall maintain a record and notify the department within thirty (30) days when the maximum true vapor pressure of the liquid exceeds seventy-five hundredths (0.75) psia.
 - (i) Available data on the storage temperature may be used to determine the maximum true vapor pressure as follows:

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(1) The maximum true vapor pressure for VOLs stored at temperatures above or below the ambient temperature shall correspond to the highest calendar-month average storage temperature. The maximum true vapor pressure for VOLs stored at the ambient temperature shall correspond to the local maximum monthly average temperature, as reported by the National Weather Service.

(2) For local crude oil or refined petroleum products, the maximum vapor pressure may be determined as follows:

(A) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar month average temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517* unless the department specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the samples.

(B) The maximum true vapor pressure of each type of crude oil with a Reid vapor pressure less than two (2) pounds per square inch or with physical properties that preclude determination by the recommended method shall be determined from available data and recorded if the estimated maximum true vapor pressure is greater than five-tenths (0.5) psia.

(3) For other liquids, the maximum true vapor pressure may be determined by any of the following methods:

(A) Standard reference texts.

(B) ASTM Method ~~D2879-92*~~ **D2879-92****.

(C) Calculated or measured by a method approved by the department.

(j) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements:

(1) Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (i).

(2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in section 4(a) of this rule, tests are required as follows:

(A) An initial physical test of the vapor pressure is required.

(B) A physical test at least once every six (6) months thereafter is required using one (1) of the following methods:

(i) ASTM Method ~~D2879-92*~~ **D2879-92****.

(ii) ASTM Method ~~D323-82*~~ **D323-82****.

(iii) As measured by an appropriate method as approved by the department.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR), ASTM Method

~~D2879-92~~, ASTM Method ~~D2879-92~~, ASTM Method ~~D323-82~~, and API Bulletin 2517 referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or **are available for review and copying** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

****These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 8-9-6; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1061; errata filed Dec 19, 1995, 3:15 p.m.: 19 IR 1141; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 56*)

SECTION 41. 326 IAC 8-10-7 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-10-7 Test procedures

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 7. (a) Owners or operators of refinishing facilities subject to this rule shall be subject to the applicable test method and requirements of 326 IAC 8-1-4 and 40 CFR 60, Appendix A*.

(b) Owners or operators may use data provided with coatings or surface preparation products formulation information such as the container label, the product data sheet, and the MSDS sheet in order to comply with sections 4 and 9(a) of this rule. The department and U.S. EPA may require VOC content determination and verification of any coating or surface preparation product using **EPA 40 CFR 60, Appendix A**, Method 24*. In the event of any inconsistency between **40 CFR 60, Appendix A**, Method 24 and formulation data, **40 CFR 60, Appendix A**, Method 24 shall govern.

(c) An owner or operator of a refinishing facility electing to meet the emission limit requirements of section 4(c) of this rule using a control device or devices shall test the control system according to the following schedule and under the following situations:

(1) An initial compliance test shall be conducted on or before May 1, 1996, and every two (2) years after the date of the initial compliance test.

(2) A compliance test shall be conducted whenever the owner or operator operates the control system under conditions different from those which were in place at the time of the previous compliance test.

(3) A compliance test shall be performed within ninety (90) days of the startup of a new facility or within thirty (30) days of a written request by the department or the U.S. EPA.

(4) All compliance tests shall be conducted according to a protocol developed by the owner or operator of the facility according to procedures in 326 IAC 3-2.1-2 [326 IAC 3-2.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.]. The results of the tests shall be submitted to the department according to procedures in 326 IAC 3-2.1-4 [326 IAC 3-2.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.].

***These documents are incorporated by reference.** Copies of U.S. Environmental Protection Agency (U.S. EPA) Method 24 (40 CFR 60); Appendix A* may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 Copies of pertinent sections of the referenced material or are available from for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Indiana Government Center-North, Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 8-10-7; filed Oct 3, 1995, 3:00 p.m.: 19 IR 199; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 58)

SECTION 42. 326 IAC 8-11-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-11-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 2. The following definitions apply throughout this rule:

- (1) "Adhesive" means any chemical substance that is applied for the purpose of bonding two (2) surfaces together other than by mechanical means.
- (2) "Alternative method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but that has been demonstrated to the satisfaction of the commissioner and the U.S. EPA to, in specific cases, produce results adequate for a determination of compliance.
- (3) "As-applied" means the VOC and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.
- (4) "Basecoat" means a coat of colored material, usually opaque, that is applied before graining inks, glazing coats, or other opaque finishing materials and is usually topcoated for protection.
- (5) "Capture device" means a hood, enclosed room, floor sweep, or other means of collecting solvent emissions or other pollutants into a duct. The pollutant can be directed to a pollution control device such as an incinerator or carbon adsorber.
- (6) "Capture efficiency" means the fraction of all organic vapors generated by a process that are directed to and captured by a control device.
- (7) "Cleaning operations" means operations that use an

organic solvent to remove coating materials from equipment used in wood furniture manufacturing operations.

- (8) "Commissioner" means the commissioner of the Indiana department of environmental management, or the commissioner's duly authorized representative.
- (9) "Continuous coater" means a finishing system that continuously applies finishing materials onto furniture parts moving along a conveyor system. Finishing materials that are not transferred to the part are recycled to the finishing material reservoir. Several types of application methods can be used with a continuous coater, including spraying, curtain coating, roll coating, dip coating, and flow coating.
- (10) "Control device" means any equipment, including, but not limited to, incinerators, carbon adsorbers, and condensers, that reduces the quantity of a pollutant that is emitted to the air. The device may destroy or secure the pollutant for subsequent recovery.
- (11) "Conventional air spray" means a spray coating method that atomizes the coating by mixing it with compressed air at an air pressure greater than ten (10) pounds per square inch (psi) (gauge) at the point of atomization. Airless and air assisted airless spray technologies are not conventional air spray because the coating is not atomized by mixing it with compressed air.
- (12) "Day" means a period of twenty-four (24) consecutive hours beginning at midnight local time, or beginning at a time consistent with a facility's operating schedule.
- (13) "Department" means the Indiana department of environmental management.
- (14) "Enamel" means a coat of colored material, usually opaque, that is applied as a protective topcoat over a basecoat, primer, or a previously applied enamel coat. In some cases, another finishing material may be applied as a topcoat over the enamel.
- (15) "Equipment leak" means emissions of volatile organic compounds from pumps, valves, flanges, or other equipment used to transfer or apply finishing materials or organic solvents.
- (16) "Equivalent method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to the satisfaction of the commissioner and the U.S. EPA to have a consistent and quantitatively known relationship to the reference method under specific conditions.
- (17) "Final touch-up and repair" means the application of finishing materials after completion of the finishing operation to cover minor imperfections.
- (18) "Finishing application station" means the part of a finishing operation where the finishing material is applied, such as a spray booth.
- (19) "Finishing material" means a coating other than an adhesive. For the wood furniture manufacturing industry, such materials include, but are not limited to, the following:
 - (A) Basecoats.
 - (B) Stains.
 - (C) Washcoats.
 - (D) Sealers.

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- (E) Topcoats.
- (F) Enamels.
- (20) "Finishing operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.
- (21) "Incinerator" means an enclosed combustion device that thermally oxidizes volatile organic compounds to carbon monoxide (CO) and carbon dioxide (CO₂). The term does not include devices that burn municipal or hazardous waste material.
- (22) "Material safety data sheet" or "MSDS" means the documentation required by the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR 1910)* for a solvent, cleaning material, finishing material, or other material that identifies select reportable hazardous ingredients of the material, safety and health considerations, and handling procedures.
- (23) "Normally closed container" means a container that is closed unless an operator is actively engaged in activities such as emptying or filling the container.
- (24) "Operating parameter value" means a minimum or maximum value established for a control device or process parameter that, if achieved by itself or in combination with one (1) or more other operating parameter values, determines that an owner or operator has complied with an applicable emission limit.
- (25) "Organic solvent" means a liquid containing volatile organic compounds that is used for dissolving or dispersing constituents in a coating, adjusting the viscosity of a coating, or cleaning equipment. When used in a coating, the organic solvent evaporates during drying and does not become a part of the dried film.
- (26) "Overall control efficiency" means the efficiency of a control system, calculated as the product of the capture and control device efficiencies, expressed as a percentage.
- (27) "Recycled on-site" means the reuse of an organic solvent in a process other than cleaning or washoff.
- (28) "Reference method" means any method of sampling and analyzing for an air pollutant that is published in 40 CFR 60, Appendix A*.
- (29) "Responsible official" has the meaning given in 326 IAC 2-7-1(33).
- (30) "Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Special purpose finishing materials that are used in some finishing systems to optimize aesthetics are not sealers.
- (31) "Stain" means any color coat having a solids content by weight of no more than eight percent (8.0%) that is applied in single or multiple coats directly to the substrate. Stains include, but are not limited to, the following:
- (A) Nongrain raising stains.
 - (B) Equalizer stains.
 - (C) Sap stains.
 - (D) Body stains.
 - (E) No-wipe stains.
 - (F) Penetrating stains.
- (G) Toners.
- (32) "Storage containers" means vessels or tanks, including mix equipment, used to hold finishing or cleaning materials.
- (33) "Strippable booth coating" means a coating that:
- (A) is applied to a booth wall to provide a protective film to receive overspray during finishing operations;
 - (B) is subsequently peeled off and disposed; and
 - (C) by means of clauses (A) and (B), reduces or eliminates the need to use organic solvents to clean booth walls.
- (34) "Substrate" means the surface onto which coatings are applied or into which coatings are impregnated.
- (35) "Topcoat" means the last film-building finishing material applied in a finishing system.
- (36) "Touch-up and repair" means the application of finishing materials to cover minor imperfections.
- (37) "Washcoat" means a transparent special purpose coating having a solids content by weight of twelve percent (12.0%) or less. Washcoats are applied over initial stains to protect and control color and to stiffen wood fibers to aid sanding.
- (38) "Washoff operations" means those operations that use an organic solvent to remove coating from a substrate.
- (39) "Waterborne coating" means a coating that contains more than five percent (5.0%) water by weight in its volatile fraction.
- (40) "Wood furniture manufacturing operations" means the finishing and cleaning operations conducted at a wood furniture source.
- (41) "Wood furniture source" means all of the pollutant emitting activities that belong to the same wood furniture industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control. The wood furniture industrial grouping includes the following standard industrial classification (SIC) codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, and 2599.
- (42) "Working day" means a day, or any part of a day, in which a facility is engaged in manufacturing.

***These documents are incorporated by reference.** Copies of the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR 1910); and 40 CFR 60, Appendix A; may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of pertinent sections of the referenced materials or are also available from for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 8-11-2; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1064; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 59)

SECTION 43. 326 IAC 8-11-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-11-6 Compliance procedures and monitoring requirements

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 6. (a) The owner or operator of a wood furniture manufacturing operation subject to the emission limits in section 3 of this rule shall demonstrate compliance with the provisions of section 3 of this rule by using any of the following methods:

(1) To support that each sealer, topcoat, and strippable booth coating meets the requirements of section 3(a)(1) through 3(a)(3) or 3(b) of this rule, maintain documentation that uses **EPA 40 CFR 60, Appendix A**, Method 24* data, or data from an equivalent or alternative method, to determine the VOC and solids content of the as-supplied finishing material. If solvent or other VOC is added to the finishing material before application, the wood furniture manufacturing operation shall maintain documentation showing the VOC content of the finishing material as-applied, in kilograms of VOC per kilogram of solids (kg VOC/kg solids).

(2) To comply through the use of a control system as described in section 3(a)(5) of this rule the following are required:

(A) Determine the overall control efficiency needed to demonstrate compliance using Equation 3:

$$\text{Equation 3: } O = ((V - E)/V)(100)$$

Where: O = overall control efficiency of the capture system and control device as percentage.

V = actual VOC content of the finishing system material or, if multiple finishing materials are used, the daily weighted average VOC content of all finishing materials, as-applied to the substrate in pounds of VOC per pound of solids (lbs VOC/lb solids).

E = equivalent VOC emission limits in lbs VOC/lb solids.

(B) Document that the value of V in Equation 3 is obtained from the VOC and solids content of the as-applied finishing material.

(C) Calculate the overall efficiency of the capture system and control device, using the procedures in section 7 of this rule, and demonstrate that the value of the overall control efficiency thus estimated is equal to or greater than the value of O calculated by Equation 3.

(b) Initial compliance shall be demonstrated as follows:

(1) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3(a)(1) through 3(a)(3) or 3(b) of this rule that are complying through the procedures established in subsection (a)(1) shall submit an initial compliance status report, as required by sections 5 and 9 of this rule, stating that compliant sealers and topcoats and strippable booth coatings are being used by the wood furniture manufacturing operations.

(2) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3(a)(1) through

3(a)(3) or 3(b) of this rule that are complying through the procedures established in subsection (a)(1) and are applying sealers and topcoats using continuous coaters shall demonstrate initial compliance by either of the following:

(A) Submitting an initial compliance status report stating that compliant sealers and topcoats, as determined by the VOC content of the finishing material in the reservoir and the VOC content as calculated from records, are being used.

(B) Submitting an initial compliance status report stating that compliant sealers or topcoats, as determined by the VOC content of the finishing material in the reservoir, are being used and the viscosity of the finishing material in the reservoir is being monitored. The wood furniture manufacturing operation shall also provide data that demonstrates the correlation between the viscosity of the finishing material and the VOC content of the finishing material in the reservoir.

(3) Owners or operators of a wood furniture manufacturing operation using a control system or capture or control device to comply with the requirements of this rule, as allowed by section 3(a)(5) of this rule and subsection (a)(2) shall demonstrate initial compliance by doing the following:

(A) On or before January 1, 1996, conducting an initial compliance test using the procedures and test methods listed in section 7 of this rule.

(B) On or before January 1, 1996, calculating the overall control efficiency.

(C) On or before January 1, 1996, determining those operating conditions critical to determining compliance and establishing operating parameters that will ensure compliance with the standards as follows:

(i) For compliance with a thermal incinerator, minimum combustion temperature shall be the operating parameter.

(ii) For compliance with a catalytic incinerator equipped with a fixed catalyst bed, the minimum gas temperature both upstream and downstream of the catalyst bed shall be the operating parameter.

(iii) For compliance with a catalytic incinerator equipped with a fluidized catalyst bed, the minimum gas temperature upstream of the catalyst bed and the pressure drop across the catalyst bed shall be the operating parameters.

(iv) For compliance with a carbon adsorber, the operating parameters shall be either the total regeneration mass stream flow for each regeneration cycle and the carbon bed temperature after each regeneration, or the concentration level of organic compounds exiting the adsorber, unless the owner or operator requests and receives approval from the commissioner to establish other operating parameters.

(v) For compliance with a control device not listed in this rule, the owner or operator shall submit to the department a description of the control device, test data, verifying the performance of the device, and appropriate operating values that will be monitored to demonstrate continuous

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compliance with the standard. Compliance using this device is subject to the commissioner's approval.

(D) Owners or operators complying with this subdivision shall calculate the site-specific operating parameter value as the arithmetic average of the maximum or minimum operating parameter values, as appropriate, that demonstrate compliance with the standards, during the initial compliance test required in subsection (c)(3)(A)(iv).

(E) On or before May 1, 1996, submitting a monitoring plan that identifies the operating parameter to be monitored for the capture device and discusses why the parameter is appropriate for demonstrating ongoing compliance.

(4) Owners or operators of a wood furniture manufacturing operation subject to the continuous compliance plan (CCP) in section 5 of this rule shall submit an initial compliance status report, as required by section 9(b) of this rule, stating that the CCP has been developed and procedures have been established for implementing the provisions of the plan.

(c) Continuous compliance shall be demonstrated as follows:

(1) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the procedures established in subsection (a)(1) shall demonstrate continuous compliance by using compliant materials, maintaining records that demonstrate the finishing materials are compliant, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(A) State that compliant sealers and topcoats and strippable booth coatings have been used each day in the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance. A wood furniture manufacturing operation is in violation of the standard whenever a noncompliant material, as determined by records or by a sample of the finishing material, is used. Use of a noncompliant material is a separate violation for each day the noncompliant material is used.

(B) The compliance certification shall be signed by a responsible official.

(2) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the procedures established in subsection (a)(1) and are applying sealers and topcoats using continuous coaters shall demonstrate continuous compliance by use of the following procedures:

(A) Using compliant materials, as determined by the VOC content of the finishing material in the reservoir and the VOC content as calculated from records, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certificate requirements shall be as follows:

(i) State that compliant sealers and topcoats have been used each day in the semiannual reporting period, or should otherwise identify the days of noncompliance and

the reasons for noncompliance. A wood furniture manufacturing operation is in violation of the standard whenever a noncompliant material, as determined by records or by a sample of the finishing material, is used. Use of a noncompliant material is a separate violation for each day the noncompliant material is used.

(ii) The compliance certification shall be signed by a responsible official.

(B) Using compliant materials, as determined by the VOC content of the finishing material in the reservoir, maintaining a viscosity of the finishing material in the reservoir that is no less than the viscosity of the initial finishing material by monitoring the viscosity with a viscosity meter or by testing the viscosity of the initial finishing material and retesting the material in the reservoir each time solvent is added, maintaining records of solvent additions, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(i) State that compliant sealers and topcoats, as determined by the VOC content of the finishing material in the reservoir, have been used each day in the semiannual reporting period. Additionally, the certification shall state that the viscosity of the finishing material in the reservoir has not been less than the viscosity of the initial finishing material, that is, the material that is initially mixed and placed in the reservoir, for any day in the semiannual reporting period.

(ii) The compliance certification shall be signed by a responsible official.

(iii) A wood furniture manufacturing operation is in violation of the standard when a sample of the as-applied finishing material exceeds the applicable limit established in section 3(a)(1) through 3(a)(3) of this rule, as determined using EPA Method 24*, or an equivalent or alternative method, or the viscosity of the finishing material in the reservoir is less than the viscosity of the initial finishing material.

(3) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the use of a control system or a capture or control device shall demonstrate continuous compliance by complying with the control system operation, maintenance, and testing, and control system monitoring, record keeping, and reporting requirements as follows:

(A) For sources choosing to meet the emission limit requirements of section 3(a)(5) of this rule at any facility using a control device or devices, the following requirements apply:

(i) The control system shall be operated and maintained according to the manufacturer's recommendations but may be modified based upon the results of the initial or subsequent compliance test or upon the written request of the department.

(ii) The operating and maintenance procedures shall be

followed beginning no later than January 1, 1996. A copy of the procedures shall be submitted to the department no later than May 1, 1996.

(iii) A copy of the operating and maintenance procedures shall be maintained in a convenient location at the source property and as close to the control system as possible for the reference of plant personnel and department inspectors.

(iv) The control system shall be tested according to the following schedule and under the following situations:

(AA) An initial compliance test shall be conducted on or before January 1, 1996, and every two (2) years after the date of the initial test.

(BB) A compliance test shall also be conducted whenever the owner or operator chooses to operate a control system under conditions different from those that were in place at the time of the previous compliance test.

(CC) If the owner or operator chooses to change the method of compliance with section 3 of this rule, a compliance test shall be performed within three (3) months of the change.

(DD) A compliance test shall also be performed within ninety (90) days of the receipt of a written request from the department or the U.S. EPA.

(EE) All compliance tests shall be conducted according to a protocol approved by the department at least thirty (30) days before the test. The protocol shall contain, at a minimum, the following information:

(aa) Test procedures.

(bb) Operating and control system parameters.

(cc) Type of VOC containing process material being used.

(dd) The process and control system parameters that will be monitored during the test.

(B) Control system monitoring, record keeping, and reporting requirements are as follows:

(i) Sources that choose to meet the emission limit requirements of section 3 of this rule with the use of a control device or devices shall install, calibrate, maintain, and operate, according to the manufacturer's specification, the following monitoring equipment unless an alternative monitoring procedure has been approved by the commissioner:

(AA) If a thermal incinerator is used for VOC reduction, a temperature monitoring device capable of continuously recording the temperature of the gas stream in the combustion zone of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees centigrade or plus or minus five-tenths degree Centigrade (0.5°C), whichever is greater.

(BB) If a catalytic incinerator is used for VOC reduction, a temperature device capable of continuously recording the temperature in the gas stream immediately before and after the catalyst bed of the incinerator

shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees centigrade plus or minus five-tenths degree Centigrade (0.5°C), whichever is greater.

(CC) If a carbon adsorber is used to remove and recover VOC from the gas stream, a VOC monitoring device capable of continuously recording the concentration level of VOC at the outlet of the carbon bed shall be used. The monitoring device shall be based on a detection principle such as infrared, photoionization, or thermal conductivity.

(DD) Where a VOC recovery device other than a carbon adsorber is used, the source shall provide to the department information describing the operation of the device and the process parameters that would indicate proper operation and maintenance of the control device. The department may request further information and will specify appropriate monitoring procedures and reporting requirements.

(ii) Sources subject to the requirements of this rule shall maintain the following records:

(AA) A log of the operating time of the facility, the facility's capture system, control device, and monitoring equipment.

(BB) A maintenance log for the capture system, the control device, and the monitoring equipment detailing all routine and nonroutine maintenance performed. The log shall include the dates and duration of any outages of the capture system, the control device, or the monitoring system.

(CC) The following additional records shall be maintained for facilities using thermal incinerators:

(aa) Continuous records of the temperature in the gas stream in the combustion zone of the incinerator.

(bb) Records of all three (3) hour periods of operation for which the average combustion temperature of the gas stream in the combustion zone was more than fifty degrees Fahrenheit (50°F) below the combustion zone temperature that existed during the most recent compliance test that demonstrated that the facility was in compliance.

(DD) The following additional records shall be maintained for facilities using catalytic incinerators:

(aa) Continuous records of the temperature of the gas stream both upstream and downstream of the catalyst bed of the incinerator.

(bb) Records of all three (3) hour periods of operation for which the average temperature measured at the process vent stream immediately before the catalyst bed is more than fifty degrees Fahrenheit (50°F) below the average temperature of the process vent stream that existed during the most recent compliance test that demonstrated that the facility was in compliance.

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(cc) Records of all three (3) hour periods of operation for which the average temperature difference across the catalyst bed is less than eighty percent (80%) of the temperature difference measured during the most recent compliance test that demonstrated that the facility was in compliance.

(EE) The following additional records shall be maintained for facilities using carbon adsorbers:

(aa) Continuous records of the VOC concentration level or reading in the exhaust stream of the carbon adsorber.

(bb) Records of all three (3) hour periods of operation during which the average VOC concentration level or reading in the exhaust gas is more than twenty percent (20%) greater than the average exhaust gas concentration level or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of the carbon adsorber that demonstrated that the facility was in compliance.

(FF) Facilities using VOC recovery devices other than carbon adsorbers shall maintain the monitoring records and meet the reporting requirements specified by item (i)(DD).

(GG) Information requirements in subitems (BB), (CC)(bb), (DD)(bb), (DD)(cc), and (EE)(bb) shall be submitted to the department within thirty (30) days of occurrence. The following information shall accompany the submittal:

(aa) The name and location of the facility.

(bb) Identification of the control system where the excess emission occurred and the facility it served.

(cc) The time, date, and duration of the exceedance.

(dd) Corrective action taken.

(4) Owners or operators of a wood furniture manufacturing operation subject to the CCP in section 5 of this rule shall demonstrate continuous compliance by following the provisions of the CCP and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(A) State that the CCP is being followed, or shall otherwise identify the periods of noncompliance with the work practice standards. Each failure to implement an obligation under the plan during any particular day is a separate violation.

(B) The compliance certification shall be signed by a responsible official.

***This document is incorporated by reference.** Copies of EPA Method 24 may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of pertinent sections of the referenced materials or are also available from for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor,

100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-11-6; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1068; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 61*)

SECTION 44. 326 IAC 8-11-7 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-11-7 Test procedures

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 7. (a) Compliance with the emission limits in section 3 of this rule shall be determined by the procedures and methods contained in 326 IAC 8-1-4 and 40 CFR 60, Appendix A*. The owner or operator of the wood furniture manufacturing operation may request approval from the department and the U.S. EPA to use an equivalent or alternative method.

(b) If it is demonstrated to the satisfaction of the department and the U.S. EPA that a finishing material does not release VOC byproducts during the cure, for example, all VOC is solvent, then batch formulation information shall be accepted. In the event of any inconsistency between an EPA a 40 CFR 60, Appendix A, Method 24* test and a facility's formulation data, that is, if the EPA 40 CFR 60, Appendix A, Method 24* value is higher, the EPA 40 CFR 60, Appendix A, Method 24* shall govern.

(c) Owners or operators complying with the provision of this rule through use of a control system shall demonstrate initial compliance by demonstrating the overall control efficiency determined by using procedures in 326 IAC 8-1-4 and 40 CFR 60,* Appendix A*, is at least equal to the required overall control efficiency determined by using the equation in section 6(a)(2)(A) of this rule.

(d) All tests required in this section shall be conducted according to protocol developed in consultation with the department.

***These documents are incorporated by reference.** Copies of 40 CFR 60, Appendix A may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of pertinent sections of the referenced materials or are also available from for review and copying at the Indiana Department of Environmental Management, Office of Air Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-11-7; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1072; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569; filed Aug 26, 2004, 11:30 a.m.: 28 IR 64*)

SECTION 45. 326 IAC 8-12-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-12-3 Definitions

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 3. The following definitions apply throughout this rule:

(1) "Add-on control system" means an air pollution control device, such as a carbon absorber or incinerator, that reduces pollution in an air stream by destruction or removal prior to discharge to the ambient air.

(2) "As applied" means the condition of a coating at the time of application to the substrate, including any thinning solvent.

(3) "As supplied" means the condition of a coating before any thinning, as sold and delivered by the coating manufacturer to the user.

(4) "Batch" means the product of an individual production run of a coating manufacturer's process. A batch is characterized by uniform composition that may vary slightly from other batches of the same product.

(5) "Capture efficiency" means the weight per unit time of VOC entering a capture system and delivered to a control device divided by the weight per unit time of VOC generated by a source of VOC, expressed as a percentage.

(6) "Capture system" means all equipment, including, but not limited to:

- (A) hoods;
- (B) ducts;
- (C) fans;
- (D) booths;
- (E) ovens; and
- (F) dryers;

that contains, collects, and transports an air pollutant to a control device.

(7) "Certify" means, in reference to the VOC content of a coating, to attest to the VOC content as determined through analysis by the U.S. Environmental Protection Agency (U.S. EPA) Method 24 in 40 CFR 60,* Appendix A*, or through use of the forms and procedures outlined in the U.S. EPA Publication EPA 450/3-84-019, revised June 1986*. In the case of conflicting results, the U.S. EPA Method 24* shall be the reference method.

(8) "Cleaning materials" means materials with a VOC content exceeding zero (0), used to remove contaminants, such as paints and coatings, from paint guns, hoses, and containers by flushing and spraying.

(9) "Commercial vessel" means any vessel not owned and operated by the United States military or the United States Coast Guard.

(10) "Container of coating" means, for purposes of demonstrating compliance under section 5(3) and 5(4) of this rule, the container from which the coating is applied, such as a bucket or pot.

(11) "Control device" means equipment, such as an incinerator or carbon adsorber, used to reduce, by destruction or removal, the amount of air pollutant or pollutants in an air stream prior to discharge to the ambient air.

(12) "Control system" means a combination of one (1) or more capture systems and control devices working in concert to reduce discharge of pollutants to the ambient air.

(13) "Destruction or removal efficiency" means the amount of VOC destroyed or removed by a control device expressed as a percent of the total amount of VOC entering the device.

(14) "Epoxy" means any thermoset coating formed by reaction of an epoxy resin, that is, a resin containing a reactive epoxide or oxirane function, such as the condensation product of epichlorohydrin and bisphenol A, with a curing agent, such as a polyamide or polyamine.

(15) "Exempt compounds" has the meaning of nonphotochemical reactive hydrocarbon as established in 326 IAC 1-2-48.

(16) "General use coating" means a coating that is applied over the preconstruction primer to provide long term protection for both the substrate and the underlying coating and that is not a specialty coating.

(17) "Normally closed" means a container or piping system is closed unless an operator is actively engaged in adding or removing material.

(18) "Operating day" means a twenty-four (24) hour period between midnight (12:00 a.m.) and the following midnight during which a facility is engaged in manufacturing or repair operations. It is not necessary for the facility to operate continuously for the entire twenty-four (24) hour period.

(19) "Overall emission reduction efficiency" means the weight per unit time of VOC removed or destroyed by a control system divided by the weight per unit time of VOC generated by a source, expressed as a percentage. The overall emission reduction efficiency is the product of the capture efficiency and the control device destruction or removal efficiency.

(20) "Ship" means any marine or freshwater vessel made of steel and used for military or commercial operations, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys). The term includes, but is not limited to, all of the following:

- (A) Military and United States Coast Guard vessels.
- (B) Commercial cargo and passenger (cruise) ships.
- (C) Ferries.
- (D) Barges.
- (E) Tankers.
- (F) Container ships.
- (G) Patrol and pilot boats.
- (H) Dredges.

As used in this rule, offshore oil and gas drilling platforms are not considered ships.

(21) "Shipbuilding or ship repair facility" means any facility that builds, repairs, repaints, converts, or alters ships.

(22) "Specialty coating" means any coating that is manufactured and used for one (1) of the following specialized applications:

- (A) "Air flask coating" means any special composition coating applied to interior surfaces of high pressure

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breathing air flasks to provide corrosion resistance and that is certified safe for use with breathing air supplies.

(B) “Antenna coating” means any coating applied to equipment through which electromagnetic signals must pass for reception or transmission.

(C) “Antifoulant coating” means any coating that is applied to the underwater portion of a vessel to prevent or reduce the attachment of biological organisms and that is registered with the U.S. EPA as a pesticide under the federal Insecticide, Fungicide, and Rodenticide Act.

(D) “Heat resistant coating” means any coating that, during normal use, must withstand a temperature of at least two hundred four (204) degrees Centigrade (~~204°C~~) (four hundred (400) degrees Fahrenheit). (~~400°F~~).

(E) “High-gloss coating” means any coating that achieves at least eighty-five percent (85%) reflectance on a sixty (60) degree meter when tested by ASTM Method ~~D-523*~~. **D-523****.

(F) “High-temperature coating” means any coating that, during normal use, must withstand a temperature of at least four hundred twenty-six (426) degrees Centigrade (~~426°C~~) (eight hundred (800) degrees Fahrenheit). (~~800°F~~).

(G) “Inorganic zinc (high-build) coating” means a coating that contains eight (8) pounds or more elemental zinc incorporated into an inorganic silicate binder that is applied to steel to provide galvanic corrosion resistance. These coatings are typically applied at more than two (2) mil dry film thickness.

(H) “Military exterior coating” means any exterior topcoat applied to military or United States Coast Guard vessels that are subject to specific chemical, biological, and radiological washdown requirements. These are also referred to as chemical agent resistant coatings (CARC).

(I) “Mist coating” means any low viscosity, thin film, epoxy coating applied to an inorganic zinc primer, that penetrates the porous zinc primer and allows the occluded air to escape through the paint film prior to curing, thus acting as a sealer coat and preventing formation of blisters or pinholes in the final coating system.

(J) “Navigational aids coating” means any coating applied to United States Coast Guard buoys or other United States Coast Guard waterway markers when they are recoated aboard ship at their usage site and immediately returned to the water.

(K) “Nonskid coating” means any coating applied to the horizontal surfaces of a marine vessel for the specific purpose of providing slip resistance for personnel, vehicles, or aircraft.

(L) “Nuclear coating” means any protective coating used to seal porous surfaces, such as steel or concrete, that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to long term (service life) cumulative radiation exposure (ASTM ~~D4082-83*~~, **D4082-83****), relatively easy to decontaminate (ASTM ~~D4256-83*~~, **D4256-83****), and resistant to various chemi-

cals to which the coatings are likely to be exposed (ASTM ~~3912-80*~~; **3912-80****). General protective requirements are outlined by the Department of Energy (formerly United States Atomic Energy Commission Regulatory Guide ~~1.54*~~; **1.54****).

(M) “Organic zinc coating” means any coating derived from zinc dust incorporated into an organic binder that contains more than eight (8) pounds of elemental zinc per gallon of coating, as applied, and that is used for the express purpose of corrosion protection.

(N) “Pretreatment wash primer coating” means any coating that contains a minimum of five-tenths percent (0.5%) acid, by weight, and is applied only to bare metal to etch the surface and enhance adhesion of subsequent coatings.

(O) “Repair and maintenance of thermoplastic coating of commercial vessels” means any vinyl, chlorinated rubber, or bituminous resin coating that is applied over the same type of existing coating to perform the partial recoating of any in-use commercial vessel. The term does not include coal tar epoxy coatings, which are considered general use coatings.

(P) “Rubber camouflage coating” means any specially formulated epoxy coating used as a camouflage topcoat for exterior submarine hulls and sonar domes.

(Q) “Sealant coating for thermal spray aluminum” means any epoxy coating applied to thermal spray aluminum surfaces at a maximum thickness of one (1) dry mil.

(R) “Special marking coating” means any coating that is used for safety or identification applications, such as markings on flight decks and ships’ numbers.

(S) “Specialty interior coating” means any coating used on interior surfaces aboard vessels according to a coating specification that requires that the coating have specified fire retardant properties and a toxicity index of less than three-hundredths (0.03), in addition to the otherwise applicable physical and performance requirements.

(T) “Tack coating” means any thin film epoxy coating applied at a maximum thickness of two (2) dry mils to prepare an epoxy coating that has dried beyond the time limit specified by the manufacturer for the application of the next coat.

(U) “Undersea weapons systems coating” means any coating applied to any component of a weapons system intended to be launched or fired from under the sea.

(V) “Waterbased weld-through (shop) preconstruction primer” means either of the following:

(i) A waterbased primer, having a VOC content of zero (0) consisting of water and liquid potassium silicate manufactured by the International Zinc, Coatings and Chemical Corporation and 330LL zinc dust manufactured by Meadowbrook Company.

(ii) An equivalent waterbased primer, having a VOC content of zero (0), that, when subject to testing under facility production conditions at inland river shipyards in Indiana, meets the same unique operational and perfor-

mance criteria listed in clause (W), and characteristics and specifications of the waterbased primer in item (i).

(W) "Weld-through (shop) preconstruction primer" means a coating that:

- (i) provides temporary corrosion protection for steel during inventory;
- (ii) is typically applied at less than one (1) mil dry film thickness;
- (iii) does not require removal prior to welding;
- (iv) is temperature resistant, burn back from a weld is less than five-tenths (0.5) inch; and
- (v) does not require removal before application of the film building primers including inorganic zinc high-build coatings.

(23) "Thinner" means a liquid used to reduce the viscosity of a coating that will evaporate before or during the cure of a film.

(24) "Volatile organic compound (VOC)" has the meanings set forth in 326 IAC 1-2-90.

(25) "VOC content" means the weight of VOC, per unit volume of any general use or specialty coating or cleaning material, less water and less exempt compounds.

***These documents are incorporated by reference.** Copies of ASTM Method D-523; ASTM D4082-83; ASTM D4256-83; ASTM 3912-80; Department of Energy (formerly United States Atomic Energy Commission Regulatory Guide 1.54*); U.S. Environmental Protection Agency (U.S. EPA) Method 24 (40 CFR 60, Appendix A); and U.S. EPA Publication EPA 450/3-84-019 (revised June 1986) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of pertinent sections of the referenced materials or are available from for review and copying at the Indiana Department of Environmental Management, Office of Air Air Quality, **Indiana Government Center-North, Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204.

****These documents are incorporated by reference.** Copies are available for review and copying at the **Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 8-12-3; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1751; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569; filed Aug 26, 2004, 11:30 a.m.: 28 IR 65*)

SECTION 46. 326 IAC 8-12-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-12-5 Compliance requirements

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 5. (a) Sources subject to the requirements of this rule and the requirements of 326 IAC 20-26 shall comply with the requirements of 40 CFR 63.784* and 40 CFR 63.785*, as

incorporated by reference in 326 IAC 20-26, in lieu of this section.

(b) Compliance requirements applicable to surface coating operations at a source subject to this rule are as follows:

(1) Compliance with the VOC emissions limiting requirements of section 4(a) of this rule shall be achieved on an applied basis for each operating day for the following products:

- (A) Coatings.
- (B) Cleaning materials.

(2) Compliance with the work practice standards of section 4(b) of this rule shall be achieved each operating day.

(3) Compliance with the VOC emissions limiting requirements of section 4(a) of this rule shall be demonstrated using **U.S. EPA 40 CFR 60, Appendix A, Method 24***. However, in lieu of testing each container of coating for VOC content, the alternative procedures that follow may be used:

(A) If a coating as supplied by the manufacturer is applied to the substrate, in lieu of testing each container of coating using **U.S. EPA 40 CFR 60, Appendix A, Method 24***, a source subject to this rule may use the following alternative compliance procedure:

- (i) Use a certificate issued by the manufacturer certifying the VOC content for each batch of coating.
- (ii) Notify the coating applicators that they shall not add any thinner to the coatings.
- (iii) Specify the procedure to be used to notify the coating applicators in the compliance plan required to be submitted in section 7(b)(1) of this rule.

(B) From May 1 through September 30, thinner may not be added to any general use coating. If a thinner is added to a coating before its application to the substrate, in lieu of testing the coating as applied using **U.S. EPA 40 CFR 60, Appendix A, Method 24***, a source subject to this rule may use the following alternative compliance procedure:

- (i) Use a certification from the coating manufacturer for each batch of that coating certifying its VOC content as supplied.
- (ii) Record the volume of coating used.
- (iii) Record the volume of thinner used.
- (iv) Record the VOC content of thinner used.
- (v) Type of coating.

(4) In the compliance plan required to be submitted to the department by section 7(b)(1) of this rule, the source shall specify the compliance procedure or procedures allowed under subdivision (3) that it intends to use to demonstrate compliance with the VOC emissions limiting requirements of section 4(a) of this rule. If the source desires to use a compliance procedure other than one (1) of the three (3) described in subdivision (3), the source shall include in its compliance plan an application for approval by the department and the U.S. EPA of the proposed compliance procedure, subject to the following conditions:

(A) The application shall include a demonstration that there

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is a definite and consistent relationship between U.S. EPA **40 CFR 60, Appendix A**, Method 24* results and the alternative procedure results.

(B) The source shall ensure that the coatings it uses are supplied by coating manufacturers that use the procedures in "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paints, Ink, and Other Coatings" (revised June 1986), U.S. EPA ~~450/3-84-019~~* **450/3-84-019**** to certify the VOC content of coatings and thinners.

(C) The source may use the alternative procedure during the time the application is being reviewed by the department and the U.S. EPA.

(5) The department may test or have tested any coating for VOC content using U.S. EPA **40 CFR 60, Appendix A**, Method 24*. If there is a discrepancy between the results of testing for VOC content, Method 24 test results shall take precedence.

*These documents are incorporated by reference. ~~Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401~~ **Copies of pertinent sections of the referenced material or are available from for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana ~~46204-2220~~: 46204.**

****These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 8-12-5; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1755; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3615; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569; filed Aug 26, 2004, 11:30 a.m.: 28 IR 67*)

SECTION 47. 326 IAC 8-12-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-12-6 Test methods and procedures

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 6. (a) Sources subject to the requirements of this rule and the requirements of 326 IAC 20-26 shall comply with the requirements of 40 CFR 63.786*, as incorporated by reference in 326 IAC 20-26, in lieu of this section.

(b) The methods and procedures set forth in 326 IAC 8-1-4, U.S. EPA Method 24* of 40 CFR 60, Appendix A, and section 5 of this rule shall be used to ensure compliance with the VOC emissions limiting requirements of section 4(a) of this rule.

***These documents are incorporated by reference. Copies of Method 24 of 40 CFR 60, Appendix A and 40 CFR 63.786**

may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 ~~Copies of pertinent sections of the referenced materials or~~ are available **from for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 8-12-6; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1756; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3616; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565; filed Aug 26, 2004, 11:30 a.m.: 28 IR 68*)

SECTION 48. 326 IAC 8-12-7 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-12-7 Record keeping, notification, and reporting requirements

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 7. (a) Sources subject to the requirements of this rule and the requirements of 326 IAC 20-26 shall comply with the requirements of 40 CFR 63.787* and 40 CFR 63.788*, as incorporated by reference in 326 IAC 20-26, in lieu of this section.

(b) The following records shall be maintained at the facility for a minimum of three (3) years:

- (1) Certification of the annual training program.
- (2) The following records for each working day of the surface coating operation:

(A) The following for each coating:

- (i) Trade name, manufacturer, coating category consistent with the definitions in section 3 of this rule, and applicable VOC content consistent with section 4 of this rule.
- (ii) VOC content as supplied.
- (iii) Certification from the coating manufacturer, MSDS, or product data sheet for each coating used.
- (iv) Volume of coating used.
- (v) Thinner added, if any, including the following:

- (AA) Description.
- (BB) VOC content.
- (CC) Volume added.

(B) The following for each solvent:

- (i) Description.
- (ii) Description of use, including the following:
 - (AA) Thinning.
 - (BB) Cleanup.
- (iii) VOC content.
- (iv) Volume used for thinning.
- (v) Volume used for cleanup.

- (3) Copy of the compliance plan required by subsection (b)(1).
- (4) Copy of the quarterly compliance report required by subsection (b)(2).

(c) Notification and reporting requirements are as follows:
 (1) On or before January 1, 1996, each source subject to this rule shall submit to the department for review a compliance plan. The department may require revisions to the compliance plan. A source may revise its compliance plan upon notifying the department in writing that a change to the compliance plan is necessary because there has been a major change in its manufacturing practices. The compliance plan shall include and address the following:

- (A) Compliance procedure and an application for using alternative demonstration procedure if the owner or operator of the shipbuilding and ship repair facility intends to use an alternative procedure to demonstrate compliance as specified in section 5 of this rule.
- (B) Training program as specified in section 4(c) of this rule.
- (C) Procedures to comply with record keeping, including data gathering requirements specified in subsection (a)(2).
- (D) Procedures to comply with work practice standards of section 4(b) of this rule.

(2) Beginning May 1, 1996, and within sixty (60) days after the end of each quarter, each source subject to this rule shall submit a quarterly compliance report. Reporting frequency may be changed to semiannually after May 1, 1997, if a source complying with the requirements of this rule requests such change in writing and the department determines that semiannual reporting is adequate to assure compliance with this rule. The department shall examine the source's compliance records in considering such request. The quarterly report shall contain the following information:

- (A) Compliance status as of the last day of the quarter for the following:
 - (i) Work practice standards.
 - (ii) Training program.
 - (iii) Emission standards.
 - (iv) Compliance procedures.
 - (v) Provisions of the compliance plan.
- (B) Date, duration, nature, and cause of each instance of noncompliance with the requirements listed in clause (A) and the corrective action taken.
- (C) An explanation for each instance of noncompliance with the requirements listed in clause (A), including whether the noncompliance is exempt due to a state or federal provision. If there is a state or federal provision providing an exemption for the noncompliance, the basis of the exemption must be cited.

***These documents are incorporated by reference.** Copies of 40 CFR 63.787 and 40 CFR 63.788 may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials 20401 or are available from for review and copying at the Indiana Department of Environmental Management, Office of Air Management, **Indiana Government Center-North, Tenth Floor**, 100 North Senate Avenue,

Indianapolis, Indiana ~~46204-2220~~. **46204**. (*Air Pollution Control Board; 326 IAC 8-12-7; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1756; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3616; filed Aug 26, 2004, 11:30 a.m.: 28 IR 68*)

SECTION 49. 326 IAC 8-13-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-13-5 Test procedures

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 5. (a) Windbox gas VOC emission tests are required under the following conditions:

- (1) An initial test as required in section 4(d) or 8 of this rule.
- (2) When there is a change in the control measure since the most recent compliance test.
- (3) When required by the department or the U.S. EPA.

(b) Compliance with the emission limits in section 3 of this rule shall be demonstrated according to testing procedures in 326 IAC 3-5 or 326 IAC 3-6-3 and 326 IAC 3-6-5, or Method 25A "Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer", 40 CFR 60, Appendix A*, as applicable.

(c) Owners or operators of a sintering process in which the windbox gas exhausts into the atmosphere through more than one (1) stack shall test each stack for compliance with the emission limit in section 3 of this rule unless there is a demonstration that satisfies the commissioner that sampling a lesser number of stacks yields results comparable to those that will be obtained by testing all stacks. Owners or operators of a sintering process who intend to submit such demonstration shall include the demonstration in the protocol required in section 4 of this rule.

(d) If sinter burden oil and grease content control is the selected control measure and the owner or operator chooses to monitor the sinter burden oil and grease content, the operating parameter shall be determined as follows:

- (1) Collect the sinter burden sample at a location such that the sample is representative of the sinter burden before it goes through the sintering process.
- (2) Collect a sinter burden grab sample for analysis at least every fifteen (15) minutes for the duration of the test. The first sample shall be taken at the beginning of the test run. Each sample shall weigh at least one (1) pound.
- (3) Analyze each sample for oil and grease content using procedures in Method 9071A "Oil and Grease Extraction Method for Sludge Samples" of U.S. EPA publication "Test Methods for Evaluating Solid Wastes", SW-846, Volume 1C, Chapter 5, revised September 1994*; n-hexane shall be used instead of trichlorotrifluorethane as an extraction reagent.
- (4) Estimate oil and grease content as percent by weight of the sinter burden to three (3) places after the decimal.
- (5) Analyze oil and grease data outliers using Chauvenet's

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Criterion at Page I-7 in "Guide to Statistical Problem Solving" prepared for U.S. EPA, Research Triangle Park, North Carolina, under contract number 68-02-1505, June 1975* or an alternative acceptable statistical procedure. Remove outliers that result from any cause other than the normal characteristics of the sinter burden.

(6) Repeat the procedures in subdivisions (1) through (4) if the number of representative data is less than ten (10).

(7) Using representative oil and grease content data from subdivisions (4) through (6), determine the oil content average and standard deviation as follows:

Equation 1:

Average oil and grease content, percent (%) by weight = $\Sigma x/n$

Equation 2:

$$s = \sqrt{((\Sigma x^2 - ((\Sigma x)^2/n))/(n - 1))}$$

Where: n = Number of samples.

s = Standard deviation of oil and grease content percent by weight.

x = Percent oil and grease in each sample.

(8) Calculate oil and grease content as percent by weight sinter burden as follows:

Equation 3:

Oil and grease content (percent (%) by weight) = average oil content (%) + one (1) standard deviation (%)

(9) Calculate average sinter burden throughput during the test in tons.

(10) Calculate oil and grease content as an operating parameter in pounds as follows:

Equation 4:

Operating parameter oil content (pounds) = (oil and grease content (percent (%) by weight from Equation 3) $\times \frac{1}{100}$) \times average sinter burden throughput (tons) \times 2,000 pounds/ton

(11) If the operating parameter in Equation 4 corresponds to a VOC emission rate in pounds VOC per ton sinter produced that is less than the VOC emission rates in pounds VOC per ton sinter produced in section 3 of this rule, calculate the operating parameter to represent the appropriate VOC emission rates in pounds VOC per ton sinter produced in section 3 of this rule and explain the basis as provided in section 4(d)(4)(E) of this rule.

(e) An owner or operator may request approval of an alternative oil and grease sampling and analysis procedure by submitting to the department a written request. The request shall include all of the following:

(1) Sampling procedure that includes all of the following:

- (A) A list of raw materials that will be sampled.
- (B) Sampling equipment to be used.
- (C) Sampling location.
- (D) Number of samples to be collected.
- (E) Sampling frequency.
- (F) Amount of sample to be collected.

(2) Analytical procedure that includes all of the following:

- (A) Sample preparation procedure.

(B) Analytical equipment.

(C) Analysis procedure.

(D) Reagents to be used.

(E) Accuracy and precision of measurements.

(F) Procedure to identify unrepresentative oil and grease content values.

(G) Expected variation in pounds in the oil and grease content value as determined by subsection (d)(10).

***These documents are incorporated by reference.** Copies of the following documents: Guide to Statistical Problem Solving prepared for the U.S. EPA, Research Triangle Park, North Carolina, under Contract Number 68-02-1505, June 1975; Method 25A "Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer"; 40 CFR 60, Appendix A; and Method 9071A "Oil and Grease Extraction Method for Sludge Samples" in U.S. EPA publication "Test Methods for Evaluating Solid Wastes", SW-846, Volume 1C, Chapter 5, revised September 1994, may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of any referenced documents are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-13-5; filed Jun 24, 1998, 5:46 p.m.: 21 IR 4199; errata filed Feb 9, 1999, 4:04 p.m.: 22 IR 2006; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569; filed Aug 26, 2004, 11:30 a.m.: 28 IR 69*)

SECTION 50. 326 IAC 10-1-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 10-1-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 2. The following definitions apply throughout this rule:
(1) "Actual emissions" means a facility's actual emissions for the baseline year.

(2) "Affected facility" means any facility described in section 1(a)(2) or 1(a)(3) of this rule.

(3) "Affected source" means any source described in section 1(a)(1) of this rule.

(4) "Baseline year" means the most recent year prior to the effective date of this rule for which available data is complete, accurate, and representative of normal operations.

(5) "Clinker" means a product produced in a portland cement kiln which is then proportioned with additives and ground into a fine powder called portland cement.

(6) "Coal" means all solid fuels classified as anthracite, bituminous, sub-bituminous, or lignite by the American Society of Testing and Materials (ASTM) Designation D 388-95*.

(7) "Coal fired steam generating unit" means a facility that, for the purpose of fuel switching in this rule, derived ninety percent (90%) or more of its total heat from combustion of coal in the baseline year.

- (8) "Distillate oil" means fuel oil that contains five-hundredths (0.05) weight percent or less nitrogen and complies with the specifications for fuel oil number 1 or 2 as defined by ASTM D 396-92*, Standard Specifications for Fuel Oil.
- (9) "Dry bottom boiler" means a boiler that has a furnace bottom temperature below the ash melting point and from which the bottom ash is removed as a solid.
- (10) "Facility" is defined at 326 IAC 1-2-27.
- (11) "Federally enforceable" is defined at 326 IAC 1-2-28.5.
- (12) "Gaseous fuels" means natural gas.
- (13) "Industrial, commercial, institutional steam generating unit" means a device that combusts one (1) or more of a combination of coal, oil, and gas and produces steam or hot water primarily to supply power, heat, or hot water to any industrial, commercial, or institutional operation, including boilers used by electric utilities that are not utility boilers.
- (14) "Natural gas" means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane.
- (15) "Nitrogen oxides" or "NO_x" means all oxides of nitrogen including, but not limited to, nitrogen oxide and nitrogen dioxide, but excluding nitrous oxide, collectively expressed as nitrogen dioxide.
- (16) "Oil" means crude oil or petroleum, or liquid fuel derived from crude oil or petroleum, including distillate oil and residual oil.
- (17) "Oil fired steam generating unit" means a facility that, for the purpose of fuel switching in this rule, derived ninety percent (90%) or more of its total heat from combustion of oil in the baseline year.
- (18) "Operating day" means a twenty-four (24) hour period between midnight (12 p.m.) and the following midnight during which any facility combusts fuel or produces intermediate or final products. It is not necessary for the facility to operate continuously for the entire twenty-four (24) hour period.
- (19) "Overfeed stoker" means a boiler design that employs a moving grate assembly where the coal is fed into a hopper and then onto a continuous grate that conveys the coal into the furnace. As coal moves through the furnace, it passes over several air zones for staged burning.
- (20) "Owner or operator" means any person who owns, leases, controls, operates, or supervises any source subject to this rule.
- (21) "Portland cement dry preheat process kiln" means a reaction vessel that receives dried raw material from a preheater and calcines and sinters the dried raw material into a product called cement clinker.
- (22) "Portland cement long dry kiln" means a reactive vessel that dries, calcines, and sinters raw materials into a product called portland cement clinker.
- (23) "Portland cement plant" means any facility that manufactures portland cement by either the wet or dry process.
- (24) "Potential emissions" means a facility's potential

- emissions as defined in 326 IAC 1-2-55 for the baseline year.
- (25) "Residual oil" means crude oil and fuel oil that do not comply with the specifications under the definition of distillate oil and all fuel oil numbers 3, 4, and 6 as defined by ASTM D 396-92*, Standard Specifications for Fuel Oils.
- (26) "Source" is defined at 326 IAC 1-2-73.
- (27) "Spreader stoker" means a boiler design where mechanical or pneumatic feeders distribute coal uniformly over the surface of a moving grate.
- (28) "Tangentially fired boiler" means a boiler that has coal and air nozzles mounted in each corner of the furnace where the vertical furnace walls meet. Both pulverized coal and air are directed from the furnace corners along a line tangential to a circle lying in a horizontal plane of the furnace.
- (29) "Thirty (30) day rolling average" means an emission rate calculated each operating day by averaging all the preceding thirty (30) successive operating days average emission rates.
- (30) "Utility steam generating unit" means any facility that is constructed for the purpose of supplying more than one-third (⅓) of its potential electric output capacity and more than twenty-five (25) megawatts of electric output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electric energy for sale is also considered in determining the electric energy output capacity of the affected facility.
- (31) "Wall-fired boiler" means a boiler that has pulverized coal burners arranged on the wall of the furnace. The burners have discrete, individual flames that extend perpendicularly into the furnace area.
- (32) "Wet bottom" means a boiler that has a furnace bottom temperature above the ash melting point and from which the bottom ash is removed as a liquid.

***These documents are incorporated by reference.** Copies of *American Society of Testing and Materials Designation D 388-95 and ASTM D 396-92, Standard Specifications for Fuel Oil*, may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of the referenced materials are available **from for review and copying** at the **Indiana** Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-1-2; filed May 13, 1996, 5:00 p.m.: 19 IR 2870; errata filed Mar 21, 1997, 9:50 a.m.: 20 IR 2116; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569; filed Aug 26, 2004, 11:30 a.m.: 28 IR 70*)

SECTION 51. 326 IAC 10-1-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 10-1-4 Emissions limits

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 4. (a) The owner or operator of an affected source shall

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limit nitrogen oxide (NO_x) emissions from affected facilities by complying with any of the NO_x limits specified as follows:

- (1) Subsection (b).
- (2) Subsection (c).
- (3) A combination of limits in subsections (b) and (c).

(b) NO_x emissions limits applicable to affected facilities are as follows:

- (1) For portland cement kilns, the following:
 - (A) NO_x emissions from each portland cement long dry kiln with a clinker production capacity greater than or equal to twenty (20) tons per hour shall not exceed ten and eight-tenths (10.8) pounds per ton of clinker produced on an operating day basis and six (6.0) pounds per ton of clinker produced on a thirty (30) day rolling average basis.
 - (B) NO_x emissions from each portland cement dry preheater process kiln with a clinker production capacity greater than or equal to twenty (20) tons per hour shall not exceed five and nine-tenths pounds per ton (5.9 lbs/ton) of clinker produced on an operating day basis and four and four-tenths pounds per ton (4.4 lbs/ton) clinker produced on a thirty (30) day rolling average basis.
- (2) For electric utility steam generating boilers, NO_x emissions from each electric utility steam generating unit that has heat input capacity greater than or equal to two hundred fifty (250) million Btu per hour, and that combusts only coal, oil, or gas shall not exceed the following limits on a thirty (30) day rolling average basis:

Boiler Type	Fuel Type	Emissions Limit (lb/million Btu input)
Wall-fired dry bottom	Pulverized coal	0.5
	Distillate oil	0.2
	Residual oil	0.3
	Gas	0.2

- (3) For industrial, commercial, institutional boilers, NO_x emissions from each industrial, commercial, or institutional steam generating unit that has heat input capacity greater than or equal to one hundred (100) million Btu per hour, and that combusts only coal, oil, or gas shall not exceed the following limits:

Boiler Type	Fuel Type	Emissions Limit (lb/million Btu input)
Wall-fired dry bottom	Pulverized coal	0.5
Tangentially fired	Pulverized coal	0.4
Spreader stoker	Pulverized coal	0.5
Overfeed stoker	Pulverized coal	0.4
Oil fired	Distillate oil	0.2
	Residual oil	0.3
Gas fired	Gas	0.2

Limits shall be complied with on a three (3) hour basis in accordance with section 5 of this rule; however, if a continuous emissions monitor (CEM) is installed then limits shall be complied with on a thirty (30) day rolling average basis.

- (4) Each facility listed in subdivision (2) or (3) that simultaneously combusts a mixture of coal, oil, or gas shall comply with emissions limits determined by the following equation: Equation 1

$$E = (A \times E1 + B \times E2 + C \times E3) / (A + B + C)$$

- Where:
- E = the NO_x limit expressed as pounds per million Btu.
 - A = heat input in million Btu from combustion of coal.
 - B = heat input in million Btu from combustion of oil.
 - C = heat input in million Btu from combustion of gas.
 - E1 = applicable emissions limit in subdivision (2) or (3) in pounds per million Btu for coal.
 - E2 = applicable emissions limit in subdivision (2) or (3) in pounds per million Btu for oil.
 - E3 = applicable emission limit in subdivision (2) or (3) in pounds per million Btu for gas.

- (5) NO_x emissions from any facility other than those listed in subdivision (1), (2), or (3) that emits or that has potential to emit NO_x equal to or greater than forty (40) tons per year shall comply with an emissions limit that shall be achieved by controlling actual NO_x emissions by at least forty percent (40%). This requirement does not apply to facilities of the type listed in subdivision (1), (2), or (3), including those that are smaller than the applicable size cutoff. Limits shall be complied with on a three (3) hour basis in accordance with section 5 of this rule; however, if a CEM is installed then limits shall be complied with on a thirty (30) day rolling average basis.

(c) Instead of complying with the emissions limits in subsection (b), the owner or operator of an affected facility may elect to comply with the following alternative emissions limits:

- (1) Where an owner or operator of a source existing on the effective date of this rule claims that an emissions limit in subsection (b) is technically or economically infeasible, the owner or operator may petition for an alternative emissions limit according to the procedures in section 3(3)(A) of this rule and 326 IAC 8-1-5. An alternative RACT petition approved by the department shall be submitted to the U.S. EPA for approval.

(2) Instead of complying with the emissions limits for steam generating units in subsection (b)(2) or (b)(3), the owner or operator may comply with an emissions limit based on a fuel switching program. Provisions applicable to fuel switching are as follows:

- (A) Fuel may be switched as follows:
 - (i) A coal fired unit may combust oil, gas, or a combination of oil and gas during the period from May 1 through and including September 30. The unit shall comply with the applicable limit for coal combustion in subsection (b)(2) or (b)(3) on an annual basis and the applicable limit

for coal combustion during the period May 1 through and including September 30.

(ii) An oil fired unit may combust oil with a lower NO_x emitting potential, gas, or a combination of oil and gas during the period from May 1 through and including September 30. The unit shall comply with the applicable limit for oil combustion in subsection (b)(2) or (b)(3) on an annual basis and the applicable limit for oil during the period May 1 through and including September 30.

(B) The owner or operator shall submit to the department a fuel switching plan addressing the following information:

- (i) Date the plan will be implemented.
- (ii) Identification of each facility to be included in the fuel switching program.
- (iii) For each facility in the fuel switching program the following information:

(AA) Type of steam generating unit based on fuels used in the baseline year and the applicable emissions limit in subsection (b)(2) or (b)(3).

(BB) Fuels that will be combusted.

(CC) Emission rate for each fuel, including basis, expressed as pounds per million Btu, and the amount of heat that will be derived from each fuel, expressed as million Btu.

(DD) Period of time during the year in which each fuel shall be used.

(EE) A demonstration that the actual annual fuel Btu weighted average emissions rate shall not exceed the applicable annual emissions limit using the following equation:

Equation 2

$$EL = (E1 \times H1 + E2 \times H2 + \dots) / (H1 + H2 + \dots)$$

Where: EL = applicable emissions limit, expressed in pounds per million Btu.

E1, E2,... = emission rate of alternative fuels 1, 2, etc., expressed in pounds per million Btu.

H1, H2,... = amount of heat derived from alternative fuels 1, 2, etc., expressed in million Btu per year.

(FF) Monitoring and record keeping procedures.

(GG) Procedures that shall be used to demonstrate compliance with the emissions limits as follows:

(aa) Annually.

(bb) During the fuel switching period.

(3) Instead of complying with the emissions limits in subsection (b), the owner or operator of an affected source may comply with an emission limit based on an approved emissions averaging plan. Provisions applicable to emissions averaging are as follows:

(A) Emissions may be averaged between facilities located at sources in Indiana provided the following:

- (i) The sources are under the control of the same owner and have the same designated representative.

(ii) The facilities in Clark or Floyd County engaging in the averaging plan achieve at least the equivalent NO_x reductions that would be achieved if each facility complied with the emissions limit in subsection (b).

(B) Emissions may be averaged only between the facilities in any category in subsection (b)(1), (b)(2), (b)(3), or (b)(5).

(C) The owner or operator of an affected source electing to comply with emissions averaging shall submit to the department an emissions averaging plan that uses 40 CFR 76.11* as a guideline, except that the compliance averaging time shall be as specified in this section.

(d) The commissioner may require verification of the emissions rates used by the owner or operator in subsection (c)(2) and (c)(3) using procedures and test methods in section 5 of this rule.

***This document is incorporated by reference.** Copies of ~~40 CFR 76.11~~ may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401. ~~Copies of the referenced materials or~~ are available ~~from for~~ **review and copying at** the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-1-4; filed May 13, 1996, 5:00 p.m.: 19 IR 2872; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569; filed Aug 26, 2004, 11:30 a.m.: 28 IR 71*)

SECTION 52. 326 IAC 10-1-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 10-1-5 Compliance procedures

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 5. Compliance with the requirements of this rule shall be demonstrated as follows:

(1) The owner or operator shall demonstrate initial compliance either by using a U.S. EPA or department certified continuous emissions monitor (CEM) or by using the test methods and procedures that follow:

(A) 326 IAC 3.

(B) 40 CFR 60*.

(2) After the date that the initial compliance with the emission limits in section 4 of this rule is demonstrated, an owner or operator who installed CEMs shall demonstrate continuous compliance using either U.S. EPA or department certified CEMs.

(3) After the date that initial compliance with the emissions limits in section 4 of this rule is demonstrated, an owner or operator who does not install continuous emissions monitors shall demonstrate compliance with the emissions limits in section 4 of this rule using test methods and procedures in 326 IAC 3 and 40 CFR 60*, if required by the department.

(4) Notwithstanding the provisions in subdivision (1) or (2), the U.S. EPA or the department may require an owner or operator to conduct compliance testing using test methods and procedures in 326 IAC 3 and 40 CFR 60*.

(5) An owner or operator shall conduct compliance tests within ninety (90) days of the receipt of a written request by the department or the U.S. EPA.

(6) All compliance tests shall be conducted according to a protocol developed following procedures in 326 IAC 3.

(7) Compliance tests shall be reported in a format following procedures in 326 IAC 3.

***This document is incorporated by reference.** Copies of ~~40 CFR 60~~ may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 ~~Copies of the referenced material~~ or are available ~~from for review and copying~~ at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-1-5; filed May 13, 1996, 5:00 p.m.: 19 IR 2874; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569; filed Aug 26, 2004, 11:30 a.m.: 28 IR 73*)

SECTION 53. 326 IAC 10-1-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 10-1-6 Emissions monitoring

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 6. The owner or operator of a facility subject to this rule shall comply with the following emissions monitoring requirements:

(1) NO_x continuous emissions monitors (CEMs) shall be installed at the following facilities:

(A) Steam generating units, including utility and industrial, commercial, or institutional steam generating units according to the requirements of 326 IAC 3.

(B) Each portland cement long dry kiln and preheater process kiln with production capacity equal to or greater than twenty (20) tons of clinker per hour.

(C) Each facility of the type listed in section 1(a)(2) of this rule unless the owner or operator demonstrates to the satisfaction of the department that a NO_x continuous emissions monitor is not technically feasible after considering the following factors:

(i) The physical configuration and mode of operation of the facility.

(ii) The magnitude of and variability in NO_x emissions.

(iii) The type of control measures employed to achieve compliance with the emissions limits in section 4 of this rule.

An owner or operator subject to this clause shall include in the demonstration an alternate method to demonstrate initial and continuous compliance with the emissions limits.

(2) NO_x CEMs at facilities listed in subdivision (1) shall be certified according to procedures contained in 326 IAC 3 and 40 CFR 75* as applicable.

(3) Requirements that follow apply to NO_x CEMs at facilities listed in subdivision (1):

(A) Operating and maintenance procedures contained in 326 IAC 3 and 40 CFR 75* as applicable.

(B) Data recording and reporting procedures contained in 326 IAC 3 and 40 CFR 75* as applicable, except that for the purpose of the excess emissions reporting requirement in 326 IAC 3, the excess emissions reported shall be those emissions that exceed the applicable emissions limits in section 4 of this rule.

***This document is incorporated by reference.** Copies of ~~40 CFR 75~~ may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 ~~Copies of the referenced materials~~ or are available ~~from for review and copying~~ at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-1-6; filed May 13, 1996, 5:00 p.m.: 19 IR 2874; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569; filed Aug 26, 2004, 11:30 a.m.: 28 IR 74*)

SECTION 54. 326 IAC 11-3-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 11-3-4 Compliance determination

Authority: IC 13-17-3; IC 13-13; IC 13-14-9

Affected: IC 13-13; IC 13-14-8; IC 13-17

Sec. 4. (a) This subsection applies to charging emissions. To determine compliance with section 2(b) of this rule, observations shall be made and the identity recorded from any point or points on the topside of a coke oven battery such that the observer can obtain an unobstructed view of the charging operation. The observer shall keep cumulative time of the total number of seconds charging emissions are visible. Time is started when a visible emission appears and is stopped when the visible emission expires. This procedure shall continue throughout the entire charging period. Visible emissions occurring simultaneously from two (2) or more separate points shall be timed as one (1). The following shall not be timed:

(1) Visible emissions from burning coal spilled on the top of the oven or oven lids during charging.

(2) Visible emissions from any equipment other than the charging system or charge ports.

(3) Visible emissions from standpipes during charging.

(4) Visible emissions from the charge port lids and the standpipe on the oven most recently charged.

(5) Visible emissions from coke oven doors which may be wind-blown across the topside of a coke oven battery.

(6) Visible emissions due to steam from uncombined water. The time retained is the total time visible emissions are ob-

served during a charge and shall be recorded on a data sheet. If the observations of a consecutive set of five (5) charges are interrupted by an event not in the control of the observer, for example, momentary interference by a passing quench car plume, then the data for the interrupted charge(s) shall be discarded and additional consecutive charges shall be observed. Five (5) charges observed as such shall be treated as consecutive charges. To determine compliance with section 2)(b) of this rule, the observer shall discard the data for the charge observed, during each set, which contains the greatest cumulative total number of seconds during which emissions are visible. A set shall consist of the total number of consecutive charges read by the observer during any one (1) observation period, but in no event shall a set exceed twenty (20) consecutive charges.

(b) Topside emissions requirements shall be as follows:

(1) To determine compliance with topside emission limitations in section 2(c) and 2(d) of this rule, the observer shall walk the length of the topside of a coke oven battery, on a line down the middle of the battery, or as close to as safety permits, to record the identity of standpipes in a single traverse and charge port lids in a single traverse that have any visible emissions. The following shall not be counted:

(A) Visible emissions from burning coal spilled on the top of the oven or oven lids.

(B) Visible emissions from charge port lids and standpipe lids, from a maximum of three (3) ovens, that are opened during a decarbonization period or charging period.

(C) Visible emissions from the standpipe on an oven being charged.

(D) Visible emissions resulting from maintenance work.

(E) Visible emissions from steam caused by the vaporization of wet luting material.

(F) Visible emissions due to steam from uncombined water.

(2) Visible emissions from charge port lids shall include all emissions from the charge port casting/lid interface.

(3) Visible emissions from the offtake piping assembly shall include the following:

(A) Any leaks from cracks and/or defects in the piping itself.

(B) Any leaks coming from the flanged joints of any pipes, including the final joint with the collector main.

(C) Any leaks coming from the standpipe base.

(D) Leaks coming from the standpipe lid or along its seal with the standpipe.

(E) Any leaks from the offtake piping assembly which are not contained in one (1) of the categories in this subdivision.

(c) This subsection applies to oven door emissions. To determine compliance with section 2(f) of this rule, the observer shall record the starting time of the inspection, then shall move steadily along the push-side or coke-side of a coke oven battery stopping only to record the identity of any doors of ovens not temporarily or permanently taken out of service that have

visible emissions, but not including visible emissions due to steam from uncombined water. The inspector shall have any of the following options:

(1) To wait for any doors which are blocked from the inspector's view to become unobstructed.

(2) To continue the inspection and return when the view of the doors becomes unobstructed.

(3) To exclude the obstructed doors from the calculation of the total number of doors observed.

The finishing time of that inspection shall be recorded followed by the inspector repeating the same procedure on the opposite side of the same battery. The inspector shall be positioned either outside of the quench car tracks on the coke-side of the battery or outside of the push-side bench. After a brief scan of a coke oven door, the observer shall proceed in the inspection checking each succeeding door in a like manner.

(d) Testing to determine the amount of particulate matter emitted from any facility subject to a grain loading or process weight limitation of this rule shall be conducted in accordance with the procedures set forth in 40 CFR 60, Appendix A, Methods 1-5*.

(e) To determine compliance with gas collector main emission limitations in section 2(e) of this rule, the observer shall walk the length of the topside of the gas collector main, to record the number of points in a single traverse from which emissions are visible.

**Copies of the Code of Federal Regulations have been incorporated by reference. and are available Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 11-3-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2550; filed May 12, 1993, 11:30 a.m.: 16 IR 2400; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569; filed Aug 26, 2004, 11:30 a.m.: 28 IR 74)*

SECTION 55. 326 IAC 11-7-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 11-7-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) Except as provided in subsection (b), this rule applies to each municipal waste combustor unit with a combustion capacity greater than two hundred fifty (250) tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994, hereafter referred to as "designated facility".

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(b) The following are exempt from this rule:

(1) Any municipal waste combustor unit that is capable of combusting more than two hundred fifty (250) tons per day of municipal solid waste and is subject to a federally enforceable permit limiting the maximum amount of municipal solid waste that may be combusted to less than or equal to eleven (11) tons per day, provided the owner or operator does the following:

(A) Notifies the department and U.S. EPA of an exemption claim and includes as a part of the notification a copy of its federally enforceable operating permit.

(B) Maintains daily records of the amount of municipal solid waste combusted.

(2) The following facilities, provided the owner or operator of the facility notifies the department and U.S. EPA of an exemption claim and provides data documenting that the facility qualifies for an exemption:

(A) A qualifying small power production facility as defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C))* , that burns homogeneous waste, such as automotive tires or used oil, but not including refuse-derived fuel, for the production of electric energy.

(B) A qualifying cogeneration facility, as defined in Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B))* , that burns homogeneous waste, such as automotive tires or used oil, but not including refuse-derived fuel, for the production of electric energy and steam or forms of useful energy, such as heat, that are used for industrial, commercial, heating, or cooling purposes.

(C) Any unit combusting a single-item waste stream of tires.

(3) Any unit required to have a permit under Section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925)*.

(4) Any material recovery facility, including a primary or secondary smelter, that combusts waste for the primary purpose of recovering metals.

(5) Any cofired combustor with a plant capacity greater than two hundred fifty (250) tons per day of municipal solid waste, provided the owner or operator of the facility does the following:

(A) Notifies the department and U.S. EPA of an exemption claim and includes as a part of the notification a copy of its federally enforceable operating permit.

(B) Keeps records on a calendar quarter basis of the weight of the following:

(i) Municipal solid waste combusted at the cofired combustor.

(ii) All other fuels combusted at the cofired combustor.

(6) Pyrolysis/combustion units that are an integrated part of a plastics/rubber recycling unit, provided the owner or operator of the plastics/rubber recycling unit keeps the following records:

(A) The weight of plastics/rubber or rubber tires processed on a calendar quarter basis.

(B) The weight of chemical plant feedstocks and petroleum

refinery feedstocks produced and marketed on a calendar quarter basis.

(C) The name and address of the purchaser of the feedstocks.

(7) Cement kilns firing municipal solid waste.

(8) The combustion of gasoline, diesel fuel, fuel oil, residual oil, refinery gas, petroleum coke, liquified petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feedstocks produced by plastics/rubber recycling units.

(c) Physical or operational changes made to an existing municipal waste unit primarily for the purpose of complying with emission limits under this rule are not considered in determining whether the unit is a modified or reconstructed facility under 40 CFR 60, Subpart Ea*, or 40 CFR 60 Eb*. ~~as amended by 60 FR 45116* and 60 FR 45124 (August 25, 1997)*.~~

***These documents are incorporated by reference.** Copies of the Federal Power Act, the Solid Waste Disposal Act, the Code of Federal Regulations (CFR), and the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **and 20401** or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air ~~Management~~, **Quality**, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, ~~Fenth Floor~~, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-1; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1967; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 75*)

SECTION 56. 326 IAC 13-1.1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-1 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. The following definitions apply throughout this rule:

(1) "2500/idle" means a two (2) speed idle test as described in 40 CFR 51, Appendix B*.

(2) "Basic inspection/maintenance (I/M)" means an I/M program that meets the requirements for a basic I/M program as defined in 40 CFR 51*.

(3) "Bureau" means the bureau of motor vehicles.

(4) "Certificate of compliance" means a certificate issued to motor vehicle owners or operators passing the emissions test and tampering inspection or receiving a waiver pursuant to this rule which must be presented to the bureau in order to receive a certificate of registration.

(5) "Certified configuration" means an engine or engine-chassis design which has been certified by the U.S. EPA under 40 CFR 86*, prior to the production of vehicles with that design.

- (6) "Certified inspection and maintenance (I/M) emissions repair technician" means a technician that has satisfactorily completed approved department certified I/M emission repair technician training.
- (7) "Certified inspector" means a contracted employee that has satisfactorily completed approved department certified inspector training.
- (8) "Contractor" means any offeror or organization selected as a result of the state procurement process to operate a vehicle emission testing program and any employees of that contractor.
- (9) "Dedicated alternative fuel vehicle" means a vehicle that is not capable of running on gasoline at any time.
- (10) "Department" means the department of environmental management or its contractor.
- (11) "Dual fuel vehicle" means a vehicle capable of operating on either gasoline or one (1) of the fuels stated in section 4(b) of this rule.
- (12) "Enhanced I/M" means an I/M program that meets the requirements for an enhanced I/M program as defined in 40 CFR 51*.
- (13) "Facility" means a motor vehicle testing location, either mobile or stationary, operated by the contractor and established in accordance with this rule.
- (14) "Fleet" means a group of light duty motor vehicles, medium duty motor vehicles, or a combination thereof owned or operated by an individual, a company, a corporation, or a federal, state, or local government unit.
- (15) "Heavy duty motor vehicle" means a motor vehicle with a gross vehicle weight rating (GVWR) greater than nine thousand (9,000) pounds.
- (16) "Idle test" means a single speed idle test as described in 40 CFR 51, Appendix B*.
- (17) "I/M" means inspection/maintenance.
- (18) "I/M 240" means a transient emission test as described in 40 CFR 51, Appendix B*.
- (19) "I/M 93" means a version of I/M 240 that:
 - (A) is shorter in duration by utilizing only phase I (ninety-three (93) second drive trace) of the I/M 240 driving cycle;
 - (B) allows a second attempt to pass; and
 - (C) eliminates both the purge and pressure tests.
- (20) "Light duty motor vehicle" means a motor vehicle with a GVWR less than or equal to six thousand (6,000) pounds.
- (21) "Medium duty motor vehicle" means a motor vehicle with a GVWR of six thousand one (6,001) pounds or greater and less than or equal to nine thousand (9,000) pounds.
- (22) "Motor vehicle" means a self-propelled vehicle used on the public roads.
- (23) "Motor vehicle emission inspector" means an individual meeting the requirements of section 15 of this rule.
- (24) "Motor vehicle model year" or "model year" means the date of manufacture of the original motor vehicle within the annual production period of such motor vehicle as designated by the manufacturer.
- (25) "Motorcycle" means a motor vehicle having a seat or

- saddle for the rider and designed to travel on not more than three (3) wheels in contact with the ground.
- (26) "OBDII" means second generation on-board diagnostics systems.
- (27) "Purge test" means a test that measures the total purge flow occurring in the vehicle's evaporative system during the transient dynamometer emission test as described in High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (dated April 1994)** and 40 CFR 51*.
- (28) "Pressure test" means a test that pressurizes the evaporative system to check for leakage as described in High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (dated April 1994)** and 40 CFR 51*.
- (29) "Recall" means a voluntary emissions recall as described in 40 CFR 85.1902(d)*.
- (30) "Tampering check" means a visual inspection of catalytic converters, fuel filler caps, positive crankcase ventilation (PCV) systems, and evaporative systems.
- (31) "VIN" means vehicle identification number.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and referenced materials may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

****This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 13-1.1-1; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2730; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1463; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 76*)

SECTION 57. 326 IAC 13-1.1-8 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-8 Testing procedures and standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 8. (a) Each motor vehicle shall be presented for testing and inspection at a facility with its certificate of registration or proof of ownership that identifies the motor vehicle by make, model year, vehicle identification number, and license number.

(b) The contractor shall only test vehicles if all of the following conditions are met:

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- (1) The exhaust system is intact and without leaks.
- (2) The vehicle is in safe condition for testing.
- (3) The motorist has exited from the vehicle.

(c) All tests shall be performed by a certified inspector.

(d) Test procedures for I/M emission testing shall comply with "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications" dated June 1996*.

(e) Emission standards shall comply with "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications" dated June 1996*.

(f) Vehicles shall be retested after repair for any portion of the inspection that was failed. To the extent that repairs to correct a previous failure could lead to failure of another portion of the test, that portion shall also be retested. Evaporative system repairs shall trigger an exhaust emission retest. Exhaust emission retests shall not be conducted unless the owner or operator of the vehicle demonstrates that the vehicle has had appropriate repairs for the reason of failure. In the case of tampering failures, the owner or operator must demonstrate that the tampered condition or equipment has been repaired or replaced before a retest is performed.

(g) Vehicles that are subject to an emissions recall but have not had recall repairs shall not be tested until such repairs have been made.

(h) If the U.S. EPA has granted a waiver in accordance with Section 182(f) of the Clean Air Act* for any county or counties subject to this rule, the department may determine that during the period when the NO_x waiver is in effect, failure of the NO_x portion of the I/M test is not grounds for denial of a certificate of compliance for vehicles within that county or counties. Upon making such a determination, the department shall notify the contractor in writing indicating the effective dates of the determination.

***These documents are incorporated by reference.** Copies of the High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specification dated June 1996, Clean Air Act and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 13-1.1-8; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2733; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1466; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 77*)

SECTION 58. 326 IAC 13-1.1-10 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-10 Waivers and compliance through diagnostic inspection

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 10. (a) A waiver of the requirement that a motor vehicle obtain a certificate of compliance may be issued only under the following conditions:

(1) A waiver shall be issued only after a vehicle has failed a retest performed after all emission-related repairs as described in subdivisions (3) through (5) have been completed. Vehicles that are subject to an emissions recall but have not had recall repairs shall not be eligible for a waiver until such repairs have been made.

(2) Waivers shall not be issued to vehicles for tampering-related repairs. The cost of tampering-related repairs shall not be applicable to the minimum expenditure in subdivision (5). The department may issue exemptions for tampering-related repairs if the motorist can verify that the part in question or one similar to it is no longer available for sale.

(3) Repairs shall be appropriate to the cause of the test failure, and a visual check shall be made at the time of retest to determine if repairs were actually made. Receipts shall be submitted for review at the test site to further verify that qualifying repairs were performed.

(4) Repairs shall be performed at a certified I/M emission repair facility. A certified I/M emission repair facility shall meet the following criteria:

(A) Employ at least one (1) certified I/M emission repair technician as defined in this rule.

(B) For all I/M emission testing, possess the following:

(i) Reference material.

(ii) Digital multimeter.

(iii) Vacuum and fuel pressure testing equipment.

(iv) Carbon/fuel injection cleaning equipment.

(v) Ignition scope with distributorless ignition (DIS) capability.

(vi) 2, 3, 4, or 5 gas analyzer.

(vii) Scan tool.

(C) For all I/M emission testing beginning January 1, 2000, possess the following:

(i) All equipment listed in clause (B).

(ii) Digital storage oscilloscope (DSO).

(iii) OBDII scan tool.

(D) For I/M 240 emission testing, possess the following:

(i) All equipment listed in clauses (A) and (B).

(ii) Purge-flow tester.

The department may suspend, revoke, or deny renewal of a certification of a certified I/M emission repair facility if the facility fails to adhere to program requirements.

(5) In order to qualify for a waiver, repairs shall be performed by a certified I/M emission repair technician who:

(A) is certified and maintains current certification as an Automotive Service Excellence (ASE) A6 (Electrical/Electronic Systems) technician and an A8 (Engine Performance) technician;

(B) on and after January 1, 2000, is certified and maintains current certification as an ASE L1 (Advanced Engine Performance) technician;

(C) has successfully completed the department approved emission and driveability training program;

(D) is professionally engaged in emission/driveability repair; and

(E) is employed at a certified I/M emission repair facility.

The department may suspend, revoke, or deny renewal of a certification of a certified I/M emission repair technician if the technician fails to adhere to program requirements.

(6) Repairs appropriate to the reason for the failure may be performed by nontechnicians (such as owners) to apply toward the waiver limit for model year vehicles 1976 through 1980.

(7) In order to qualify for a minimum expenditure waiver, motorists in Lake or Porter County with 1981 model year or newer vehicles shall expend the following:

(A) At least four hundred fifty dollars (\$450) in repairs on or after January 1, 1999.

(B) Motorists in Clark, Floyd, Lake, or Porter County with 1976 through 1980 model year vehicles shall expend at least seventy-five dollars (\$75) in repairs in order to qualify for a minimum expenditure waiver.

(C) Motorists in Clark or Floyd County shall expend a minimum of two hundred dollars (\$200) for 1981 and newer vehicles in order to qualify for a minimum expenditure waiver.

The costs of owner performed repairs shall not include labor costs. Any available warranty coverage shall be used to obtain needed repairs before expenditures can be counted towards the cost limits. The operator of a vehicle within the statutory age and mileage coverage under Section 207(b) of the Clean Air Act* shall present a written denial of warranty coverage from the manufacturer or authorized dealer for this provision to be waived for approved tests applicable to the vehicle.

(8) Vehicles subject to an enhanced I/M emission test at the cutpoints established in 40 CFR 51.351* may be issued a certificate of compliance without meeting the prescribed emission cutpoints, if, after failing a retest, a complete, documented physical and functional diagnosis and inspection performed by the contractor shows no additional emission-related repairs are needed. Any such exemption policy and procedures shall be subject to EPA approval.

(9) After an initial I/M emission test failure, a vehicle may be retested up to four (4) additional times. A vehicle shall not be retested a fifth time until the type of repairs or modifications necessary has been fully evaluated by department and contractor personnel.

(10) Waivers shall be issued only by the test site manager or other employee specifically designated for this purpose.

(11) A waiver shall be valid for no more than one (1) test cycle.

(b) No vehicle in its lifetime shall receive more than one (1) waiver.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR), Clean Air Act, and referenced materials may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 13-1.1-10; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2734; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1468; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 78*)

SECTION 59. 326 IAC 13-1.1-13 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-13 Test reports; repair forms

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 13. (a) Each owner of a motor vehicle tested at a facility shall be provided a test report which shall include, but is not limited to, the following information:

- (1) The owner's name.
- (2) The license plate or temporary plate number.
- (3) The type of motor vehicle.
- (4) The motor vehicle identification number (VIN).
- (5) The model year.
- (6) The make of motor vehicle.
- (7) The emission standards applicable to the motor vehicle.
- (8) The emission measurements obtained by the test.
- (9) The final result of the emissions test, evaporative system, and tampering inspection.
- (10) Date and time of inspection.
- (11) The report serial number.
- (12) The facility and lane identification number.
- (13) The odometer reading.
- (14) The identification number of the inspector performing the test.
- (15) The type of tests performed, such as emissions test, visual checks for the presence of emission control components, and evaporative system checks.
- (16) A statement indicating the availability of warranty coverage as required in Section 207 of the Clean Air Act*.
- (17) The certification that the tests were performed in accordance with the regulations.
- (18) For vehicles that fail the tailpipe emission test, information on the possible causes of the specific pattern of high emission levels found during the test.

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(b) Owners or operators of failing vehicles shall be provided with the results of repair effectiveness data for all repair facilities operating in the area. The vehicle owner also shall receive a blank repair form.

(c) A repair form, completed by the vehicle owner or person responsible for repairs prior to retest of the motor vehicle, shall contain the following information:

- (1) The exact repairs or adjustments made to the motor vehicle since the initial test.
- (2) The itemized cost of repairs or adjustments made.
- (3) The name and location of the repair facility where the repairs or adjustments were made.
- (4) The printed name and signature of the person making the repairs or adjustments. If the repairs or adjustments are performed by:
 - (A) a repair shop, the federal tax identification number shall be provided in the repair form; or
 - (B) an Indiana certified emission technician, the certification number shall be provided in the repair form.

***This document is incorporated by reference.** Copies of the Clean Air Act referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 13-1.1-13; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1469; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 79*)

SECTION 60. 326 IAC 13-1.1-14 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-14 Facility and testing requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 14. (a) The contractor shall collect data and maintain records of tests and facility operations as required by the department. The contractor shall gather test data to link specific test results to a specific vehicle, I/M program registrant, test site, and inspector, and to determine whether or not the correct testing parameters were observed for the specific vehicle in question. At a minimum, the contractor shall collect the following with respect to each test conducted:

- (1) Test record number.
- (2) Inspection station and inspector numbers.
- (3) Test system number.
- (4) Date of test.
- (5) Emission test start time and time final emission scores are determined.
- (6) Vehicle identification number (VIN).

- (7) License plate number.
- (8) Test certificate number.
- (9) Gross vehicle weight rating (GVWR).
- (10) Vehicle model year, make, and type.
- (11) Number of cylinders or engine displacement.
- (12) Transmission type.
- (13) Odometer reading.
- (14) Category of test performed (such as initial test, first retest, or subsequent retest).
- (15) Fuel type of the vehicle (such as gas, compressed natural gas (CNG), or other fuel).
- (16) Type of vehicle preconditioning performed, if any.
- (17) Emission test sequences used.
- (18) Hydrocarbon emission scores and standards for each applicable test mode.
- (19) Carbon monoxide emission scores and standards for each applicable test mode.
- (20) Carbon dioxide emission scores (CO + CO₂) and standards for each applicable test mode.
- (21) Nitrogen oxides emission scores and standards for each applicable test mode.
- (22) Results (pass/fail/not applicable) of the applicable visual inspections for the catalytic converter, gas cap, evaporative system, and positive crankcase ventilation system.
- (23) Results of the evaporative system pressure test expressed as a pass or fail (I/M 240 only).
- (24) Results of the evaporative system purge test expressed as a pass or fail along with the total purge flow in liters achieved during the test (I/M 240 only).

(b) At a minimum, the contractor shall gather and report the results of the quality control checks required under 40 CFR 51.359*, identifying each check by station number, system number, date, and start time. The data report shall also contain the concentration values of the calibration gases used to perform the gas characterization portion of the quality control checks.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and referenced materials may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 13-1.1-14; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1470; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 80*)

SECTION 61. 326 IAC 13-1.1-16 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-16 Facility quality assurance program

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 16. (a) No emission tests shall be conducted with any analyzer that is not operating within all specifications developed or approved by the department. The following practices, in addition to those described in High Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications dated June 1996*, shall be followed:

- (1) Preventive maintenance on all inspection equipment shall be performed to ensure accurate and repeatable operation.
- (2) Computerized analyzers shall automatically record quality control check information, lockouts, and attempted tampering, which shall be monitored to ensure proper quality control.

(b) The contractor shall maintain the equipment according to demonstrated good engineering practices to assure test accuracy. The calibration and adjustment requirements in "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications" dated June 1996* shall apply to all steady state test equipment. Calibration schedules and other quality control frequencies may be adjusted by using statistical process control to monitor equipment performance on an ongoing basis. Additional requirements shall be as follows:

- (1) For analyzers that use ambient air as the starting point for emission readings, the air shall be drawn from the air outside the inspection bay or lane in which the analyzer is situated.
- (2) The analyzer housing shall be constructed to protect the analyzer bench and electrical components from ambient temperature and humidity fluctuations that exceed the range of the analyzer's design specifications.
- (3) Analyzers shall automatically purge the analytical system after each test.

(c) Measures shall be instituted to maintain the security of all documents by which compliance with the inspection requirement is established, including, but not limited to, inspection certificates and waiver certificates. This section shall in no way require the use of paper documents (except for certificates of compliance and waivers) but shall apply if they are used by the program for these purposes.

(d) Compliance documents are to be counterfeit resistant through the use of special fonts, water marks, ultraviolet inks, encoded magnetic strips, unique bar coded identifiers, difficult to acquire materials, or other measures, as approved by the department.

(e) All inspection certificates and waiver certificates shall be printed with a unique serial number and an official program seal.

***This document is incorporated by reference.** Copies of the High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications

dated June 1996, may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 13-1.1-16; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2736; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1470; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 81*)

SECTION 62. 326 IAC 14-1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-1-1 Applicability

Authority: IC 13-14; IC 13-17-3
 Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of 326 IAC 14~~ **This article applies** to the owner or operator of any stationary source for which a standard is prescribed under this article. ~~(326 IAC 14).~~

(b) The board adopts by reference and incorporates 40 CFR 61, Subpart A, General Provisions* concerning emission standards for hazardous air pollutants, with the exception of: ~~the following sections:~~

- (1) 40 CFR 61.04 Address*;
- (2) 40 CFR 61.11(f) Administrator's Authority on Waiver of Compliance*;
- (3) 40 CFR 61.12(d) Alternative Means of Emission Limitation*;
- (4) 40 CFR 61.16 Availability of Information*; and
- (5) 40 CFR 61.17 State Authority*;

and as modified in ~~326 IAC 14-1-2~~ **section 2 of this rule.** Provisions of waiver of compliance in 40 CFR 61 Section 61.11, Subpart A*, shall not apply to sources subject to the requirements established in 326 IAC 14-9.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 14-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2562; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3011; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 81*)

SECTION 63. 326 IAC 14-1-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-1-2 Definitions

Authority: IC 13-14; IC 13-17-3
 Affected: IC 13-14; IC 13-17

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Sec. 2. (a) **Except as provided in subsection (b)**, for the purposes of this article, (~~326 IAC 14~~); the definitions, abbreviations, and units listed in 40 CFR 61, ~~Subpart A, Sections 61.02* and 40 CFR 61.03*~~, shall apply. ~~with the exception of subsection (b) of this section.~~

(b) For the purposes of this article, (~~326 IAC 14~~); the following substitutions shall be made for terms used in the portions of 40 CFR ~~Part 61*~~ adopted by reference:

- (1) "Administrator" means the commissioner of the department of environmental management.
- (2) "U.S. Environmental Protection Agency" or "U.S. EPA" means the department of environmental management.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 14-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2562; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3011; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 81*)

SECTION 64. 326 IAC 14-3-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-3-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of This rule (326 IAC 14-3) shall apply applies~~ to the following stationary sources:

- (1) Extraction plants, ceramic plants, foundries, incinerators, and propellant plants ~~which that~~ process beryllium ore, beryllium, beryllium oxide, beryllium alloys, or beryllium-containing waste.
- (2) Machine shops ~~which that~~ process beryllium, beryllium oxides, or any alloy when such alloy contains more than five percent (5%) beryllium by weight.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart C, Emission Standard for Beryllium*.

***This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or from are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, ~~100 North Senate~~, Indiana Government Center-North, Tenth Floor, **100 North Senate Avenue**, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326*

IAC 14-3-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 82)

SECTION 65. 326 IAC 14-4-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-4-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of This rule (326 IAC 14-4) shall apply applies~~ to rocket motor test sites.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart D, Emission Standard for Beryllium Rocket Motor Firing*.

***This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or from are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, ~~100 North Senate~~, Indiana Government Center-North, Tenth Floor, **100 North Senate Avenue**, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 14-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 82*)

SECTION 66. 326 IAC 14-5-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-5-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of This rule (326 IAC 14-5) shall apply applies~~ to those stationary sources ~~which that~~ process mercury ore to recover mercury, use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and incinerate or dry wastewater treatment plant sludge.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart E, Emission Standard for Mercury*.

***This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or from are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, ~~100 North Senate~~, Indiana Government Center-North, Tenth Floor, **100 North Senate Avenue**,**

Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-5-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 82*)

SECTION 67. 326 IAC 14-7-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-7-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of~~ This rule (~~326 IAC 14-7~~) **applies** to each of the following sources that are intended to operate in benzene service:

- (1) Pumps.
- (2) Compressors.
- (3) Pressure relief devices.
- (4) Sampling connections.
- (5) Systems.
- (6) Open-ended valves or lines.
- (7) Valves.
- (8) Flanges and other connectors.
- (9) Product accumulator vessels. ~~and~~
- (10) Control devices or systems required by this rule. (~~326 IAC 14-7~~).

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart J, Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene*.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or **from are available for review and copying at** the Indiana Department of Environmental Management, Office of Air Quality, ~~100 North Senate~~, Indiana Government Center-North, Tenth Floor, **100 North Senate Avenue**, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-7-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2564; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 83*)

SECTION 68. 326 IAC 14-8-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-8-1 Applicability

Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of~~ This rule (~~326 IAC 14-8~~) **applies** to each of the following sources that are intended to operate in volatile hazardous air pollutant (VHAP) service:

- (1) Pumps.
- (2) Compressors.
- (3) Pressure relief devices.
- (4) Sampling connection systems.
- (5) Open-ended valves or lines.
- (6) Valves.
- (7) Flanges and other connectors.
- (8) Product accumulator vessels. ~~and~~
- (9) Control devices or systems required by this rule. (~~326 IAC 14-8~~).

(b) The board adopts by reference and incorporates 40 CFR Part 61, Subpart V, Emission Standard for Equipment Leaks (Fugitive Emission Sources)*, with the exception of revisions to ~~sections 40 CFR 61.241*, 61.245*, 61.246*, and 61.247*~~ as specified in ~~326 IAC 14-8-2 sections 2 through 326 IAC 14-8-5: 5 of this rule.~~

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 14-8-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2564; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3012; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 83*)

SECTION 69. 326 IAC 14-8-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-8-3 Test methods and procedures

Authority: IC 13-14; IC 13-17-3
Affected: IC 13-14; IC 13-17

Sec. 3. (a) For the purposes of this rule, (~~326 IAC 14-8~~), the introductory paragraph of 40 CFR ~~61, Subpart V, Section 61.245(b)*~~, Test Methods and Procedures, shall read, ~~as follows:~~ "Monitoring, as required in 40 CFR 61, Subpart V, Sections 61.242, 61.243, 61.244 and 326 IAC 14-9-5, shall comply with the following requirements:".

(b) For the purposes of this rule, (~~326 IAC 14-8~~), the introductory paragraph of 40 CFR 61, Subpart V, Section 61.245(c)* shall read, ~~as follows:~~ "When equipment is tested for compliance with no detectable emissions, the test shall comply with the following requirements:".

(c) For the purposes of this rule, (~~326 IAC 14-8~~), 40 CFR 61, Subpart V, Section 61.245(d)(3)* shall read, ~~as follows:~~ "Samples used in determining the percent VHAP content shall be representative, as determined by the commissioner, of the process fluid that is contained in or contacts the equipment or the gas being combusted in the flare.".

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-8-3; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3012; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 83*)

SECTION 70. 326 IAC 14-8-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-8-4 Record keeping requirements

Authority: IC 13-14; IC 13-17-3

Affected: IC 13-14; IC 13-17

Sec. 4. (a) For the purposes of this rule, (~~326 IAC 14-8~~), introductory sentences in 40 CFR ~~61, Subpart V~~, Section 61.246, Recordkeeping Requirements*, (b), (c), and (e), paragraphs (e)(2)(i), (e)(2)(ii), (e)(4)(i), and (h)(1) shall read as in subsections (b), (c), (d), (e), (f), (g), and (h) of this section, respectively.

(b) "When each leak is detected as specified in 40 CFR ~~61, Subpart V~~; Sections 61.242-2*, 61.242-3*, 61.242-7*, 61.242-8*, and 326 IAC 14-9-5, the following requirements apply:".

(c) "When each leak is detected as specified in 40 CFR ~~61, Subpart V~~; Sections 61.242-2*, 61.242-3*, 61.242-7*, 61.242-8*, and 326 IAC 14-9-5, the following information shall be recorded in a log and shall be kept for two (2) years in a readily accessible location:".

(d) "The following information pertaining to all equipment to which a standard applies shall be recorded in a log that is kept in a readily accessible location:".

(e) "A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than five hundred (500) ppm above background" .

(f) "The designation of this equipment for no detectable emissions shall be signed by the owner or operator" .

(g) "The dates of each compliance test required in 40 CFR ~~61, Subpart V~~; Sections 61.242-2(e)*, ~~61-242-3(i)*~~, ~~61.242-3(i)*~~, 61.242-4*, 61.242-7(f)*, and 326 IAC 14-9-5(g)" .

(h) "Design criterion required in 40 CFR ~~61, Subpart V~~; Section 61.242-2(d)(5)*, 61.242(e)(2)*, and 326 IAC 14-9-5(e)(4) and an explanation of the design criterion; and" .

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732

North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-8-4; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3012; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 84*)

SECTION 71. 326 IAC 14-8-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-8-5 Reporting requirements

Authority: IC 13-14; IC 13-17-3

Affected: IC 13-14; IC 13-17

Sec. 5. (~~a~~) For the purposes of this rule, (~~326 IAC 14-8~~), 40 CFR ~~61, Subpart V~~; Section 61.247(b)(5), Reporting Requirements*, shall read, as follows: "The results of all performance tests to determine compliance with no detectable emissions and with 40 CFR ~~61, Subpart V~~; Sections 61.243-1* and ~~40 CFR 61.243-2*~~ conducted within the semiannual reporting period."

Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or from the Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. All citations to the CFR in this article (~~326 IAC 14~~) refer to the version cited in 326 IAC ~~1-1-3~~.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-8-5; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3013; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 84*)

SECTION 72. 326 IAC 14-9-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-9-5 Equipment leaks

Authority: IC 13-14; IC 13-17-3

Affected: IC 13-14; IC 13-17

Sec. 5. (a) Each owner or operator of equipment in benzene service shall comply with the requirements of 326 IAC 14-8 and 40 CFR 61, Subpart V*, except as provided in this section.

(b) The provisions of 40 CFR ~~61, Subpart V~~; Sections 61.242-3* and 61.242-9*, do not apply to this rule. (~~326 IAC 14-9~~).

(c) Each piece of equipment in benzene service to which this rule (~~326 IAC 14-9~~) applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.

(d) Each exhauster shall be monitored quarterly to detect leaks by the methods specified in 326 IAC 14-8-3(a) and in 40 CFR ~~61, Subpart V, Section 61.245(b)*~~, except as provided in subsections (e), (f), and (g) ~~of this section and in 326 IAC 14-9-6(c)~~; **section 6(c) of this rule.**

(1) If an instrument reading of ten thousand (10,000) ppm or greater is measured, a leak is detected.

(2) When a leak is detected, it shall be repaired as soon as practicable, but no later than fifteen (15) calendar days after it is detected, except as provided in 40 CFR ~~61, Subpart V, Section 61.242-10(a)* and (b)*~~; **40 CFR 61.242-10(b)***. A first attempt at repair shall be made no later than five (5) calendar days after each leak is detected.

(e) Each exhauster equipped with a seal system that includes a barrier fluid system and that prevents leakage of process fluids to the atmosphere is exempt from the requirements of subsection (d) provided the following requirements are met:

(1) Each exhauster seal system is:

(A) operated with the barrier fluid at a pressure that is greater than the exhauster stuffing box pressure; or

(B) equipped with a barrier fluid system that is connected by a closed vent system to a control device that complies with the requirements of 40 CFR ~~61, Subpart V, Section 61.242-11*~~; or

(C) equipped with a system that purges the barrier fluid into a process stream with zero (0) benzene emissions to the atmosphere.

(2) The barrier fluid is not in benzene service.

(3) Each barrier fluid system shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

(4) Each sensor as described in subsection (e)(3) ~~of this section~~ shall be checked daily or shall be equipped with an audible alarm.

(5) The owner or operator shall determine, based on design consideration and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

(6) If the sensor indicates failure of the seal system, the barrier system, or both, based on the criterion determined under ~~subsection (e)(5) of this section~~; **subdivision (5)**, a leak is detected.

(7) When a leak is detected, it shall be repaired as soon as practicable, but not later than fifteen (15) calendar days after it is detected, except as provided in 40 CFR ~~61, Subpart V, Section 61.242-10*~~.

(8) A first attempt at repair shall be made no later than five (5) calendar days after each leak is detected.

(f) An exhauster is exempt from the requirements of subsection (d) ~~of this section~~ if it is equipped with a closed vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of 40 CFR ~~61, Subpart V, Section 61.242-11*~~ except as provided in subsection (g). ~~of this section.~~

(g) Any exhauster that is designated, as described in 326 IAC 14-8-4(d) ~~(e), (f), and (g)~~ **through 326 IAC 14-8-4(g)** and in 40 CFR ~~61, Subpart V, Section 61.246(e)*~~ for no detectable emissions, as indicated by an instrument reading of less than **five hundred (500)** ppm above background, is exempt from the requirements of subsection (d) ~~of this section~~ if the exhauster:

(1) is demonstrated to be operating with no detectable emissions, as indicated by an instrument reading of less than **five hundred (500)** ppm above background, as measured by the methods specified in 326 IAC 14-8-3(b) and in 40 CFR ~~61, Subpart V, Section 61.245(c)*~~; and

(2) is tested for compliance with ~~subsection (g)(1) of this section~~ **subdivision (1)** initially upon designation, annually, and at other times requested by the commissioner.

(h) Any exhauster that is in vacuum service is excluded from the requirements of this rule (~~326 IAC 14-9~~) if it is identified as required in 326 IAC 14-8-4(d) and in 40 CFR ~~61, Subpart V, Section 61.246(e)(5)*~~.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 14-9-5; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3015; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 84)**

SECTION 73. 326 IAC 14-9-8 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-9-8 Test methods and procedures

Authority: IC 13-14; IC 13-17-3

Affected: IC 13-14; IC 13-17

Sec. 8. (a) Each owner or operator subject to ~~the provisions of this rule~~ shall comply with the requirements in 326 IAC 14-8-3 and in 40 CFR ~~61, Subpart V, Section 61.245*~~.

(b) To determine whether or not a piece of equipment is in benzene service, the methods in 40 CFR ~~61, Subpart V, Section 61.245(d)*~~ and in 326 IAC 14-8-3(c) shall be used, except that, for exhausters, the percent benzene shall be one percent (1%) by weight rather than the ten percent (10%) by weight described in 40 CFR ~~61, Subpart V, Section 61.245(d)*~~.

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*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 14-9-8; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3016; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 85)

SECTION 74. 326 IAC 14-9-9 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-9-9 Record keeping and reporting requirements

Authority: IC 13-14; IC 13-17-3

Affected: IC 13-14; IC 13-17

Sec. 9. (a) The following information pertaining to the design of control equipment installed to comply with ~~326 IAC 14-9-3 sections 3 and 326 IAC 14-9-4 4 of this rule~~ shall be recorded and kept in a readily accessible location:

- (1) Detailed schematics, design specifications, and piping and instrumentation diagrams.
- (2) The dates and descriptions of any changes in the design specifications.

(b) The following information pertaining to sources subject to ~~326 IAC 14-9-3 section 3 of this rule~~ shall be recorded and maintained for two (2) years following each semiannual inspection and each annual maintenance inspection:

- (1) The date of the inspection and the name of the inspector.
- (2) A brief description of each visible defect in the source or control equipment and the method and date of repair of the defect.
- (3) The presence of a leak, as measured using the method described in 326 IAC 14-8-3(b) and in 40 CFR 61, Subpart V, Section 61.245(c)*. The record shall include the date of attempted and actual repair and method of repair of the leak.
- (4) A brief description of any system abnormalities found during the annual maintenance inspection, the repairs made, the date of attempted repair, and the date of actual repair.

(c) Each owner or operator of a source subject to ~~326 IAC 14-9-5 section 5 of this rule~~ shall comply with 326 IAC 14-8-4 and 40 CFR 61, Subpart V, Section 61.246*.

(d) The provisions of this section apply to an owner or operator of any source to which this rule (~~326 IAC 14-9~~) applies.

- (1) The owner or operator shall submit a written statement to the commissioner providing information specified in subdivisions (2) (~~3~~) and through (4). of this subsection.
- (2) In the case of an existing source or a new source which has an initial startup date preceding the effective date, the

statement shall be submitted within ninety (90) days of the effective date, or on a date specified by the commissioner along with the information required under 40 CFR 61, ~~Subpart A, Section 61.10(a)(1) through 61.10(a)(6)*.~~

(3) In the case of new sources that did not have an initial startup date preceding the effective date, the statement shall be submitted with the application for approval of construction, as described in 40 CFR 61, ~~Subpart A, Section 61.07*.~~

(4) The owner or operator shall include in the statement the following information for each source:

- (A) Type of source such as a light-oil sump, pump or final cooler.
- (B) For equipment in benzene service, equipment identification number and process unit identification; percent by weight benzene in the fluid at the equipment; and process fluid state in the equipment (gas/vapor or liquid).
- (C) Method of compliance with the standard such as use of a wash-oil final cooler, monthly leak detection and repair, or equipped with dual mechanical seals.

(e) A report shall be submitted to the commissioner semiannually starting six (6) months after the initial reports required in subsection (d) of this section and 40 CFR 61, Subpart A*, ~~Section~~ which includes the following information:

(1) For sources subject to ~~326 IAC 14-9-3, section 3 of this rule:~~

- (A) a brief description of any visible defect in the source or ductwork;
- (B) the number of leaks detected and repaired; and
- (C) a brief description of any system abnormalities found during each annual maintenance inspection that occurred in the reporting period and the repairs made.

(2) For equipment in benzene service subject to ~~326 IAC 14-9-5(a), section 5(a) of this rule,~~ information required by 326 IAC 14-8-5(a) and in 40 CFR 61, Subpart V, Section 61.247(b)*.

(3) For each exhauster subject to ~~326 IAC 14-9-5 section 5 of this rule~~ for each quarter during the semiannual reporting period:

- (A) the number of exhausters for which leaks were detected as described in ~~326 IAC 14-9-5(d) section 5(d) and 326 IAC 14-9-5(e)(6); 5(e)(6) of this rule;~~
- (B) the number of exhausters for which leaks were repaired as required in ~~326 IAC 14-9-5(d), 326 IAC 14-9-5(e)(7), section 5(d), 5(e)(7), and 326 IAC 14-9-5(e)(8); 5(e)(8) of this rule; and~~
- (C) the results of performance tests to determine compliance with ~~326 IAC 14-9-5(g) section 5(g) of this rule~~ conducted within the semiannual reporting period.

(4) A statement signed by the owner or operator stating whether all requirements of ~~326 IAC 14-9 this rule~~ have been fulfilled during the semiannual reporting period.

(5) Revisions to items reported according to subsection (d) of this section if changes have occurred since the initial report or subsequent revisions to the initial report. Compliance with

the requirements of 40 CFR ~~61, Subpart A, Section 61.10(c)*~~, is not required for revisions documented under ~~this subsection. (e) of this section.~~

(f) In the first report submitted as required in subsection (d), ~~of this section~~, the report shall include a reporting schedule stating the months that semiannual reports shall be submitted. Subsequent reports shall be submitted according to that schedule unless a revised schedule has been submitted in a previous semiannual report.

(g) An owner or operator electing to comply with the provisions of 40 CFR ~~61, Subpart V, Sections 61.243-1* and 61.243-2*~~ shall notify the commissioner of the alternative standard selected **ninety** (90) days before implementing either of the provisions.

(h) An application for approval of construction or modification, as required under 40 CFR ~~61, Subpart A, Sections 61.05(a)* and 61.07*~~, will not be required for sources subject to ~~326 IAC 14-9-5 section 5 of this rule~~ if:

- (1) the new or modified source complies with ~~326 IAC 14-9-5; section 5 of this rule; and~~
- (2) in the next semiannual report required by subsection (e), ~~of this section~~, the information described in subsection (d)(4) ~~of this section~~ is included.

***These documents are incorporated by reference.** Copies ~~of the July 1, 1986, Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or ~~from~~ **are available for review and copying at** the Indiana Department of Environmental Management, Office of Air Quality, ~~400 North Senate~~, Indiana Government Center-North, Tenth Floor, **100 North Senate Avenue**, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-9-9; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3016; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 86*)

SECTION 75. 326 IAC 14-10-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-10-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) To determine which requirements of this section and sections 3 through 4 of this rule apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, the owner or operator shall use an Indiana licensed asbestos inspector to inspect thoroughly the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable asbestos-containing material (ACM). The require-

ments of sections 3 through 4 of this rule apply to each owner or operator of a demolition or renovation activity, including the removal of regulated asbestos-containing material (RACM). In a facility being demolished, all of the following apply:

- (1) All the notification requirements of section 3 of this rule apply and a notification is required even if no asbestos is present.
- (2) All the emission control requirements of section 4 of this rule, except as provided in subsection (b) for ordered demolition operations, if the combined amount of regulated asbestos-containing material is any one (1) of the following:
 - (A) At least three (3) linear feet on or off pipes.
 - (B) At least three (3) square feet on or off other facility components.
 - (C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(b) In a facility being demolished under an order of a state or local government agency, because the facility is both structurally unsound and in danger of imminent collapse, all of the following shall apply:

- (1) Only the notification requirements in section 3 of this rule and the emission control requirements in section 4(4) through 4(8) and 4(11) through 4(12) of this rule shall apply.
- (2) The owner or operator must assume that the debris in the wreckage is contaminated with RACM and dispose of all demolition debris as RACM unless a licensed Indiana inspector has thoroughly inspected the affected facility and certifies that no RACM is present.
- (3) All RACM and any asbestos-contaminated debris or assumed RACM shall be properly disposed of at a waste disposal site operated in accordance with the requirements of 40 CFR 61.150* and 329 IAC 10-8 [*329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.*]

(c) In a facility being renovated, including any individual, nonscheduled renovation operation, the following shall apply:

- (1) All the notification requirements of section 3 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:
 - (A) At least two hundred sixty (260) linear feet on or off pipes.
 - (B) At least one hundred sixty (160) square feet on or off other facility components.
 - (C) A total of at least thirty-five (35) cubic feet on or off all facility components.
- (2) All the emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:
 - (A) At least three (3) linear feet on or off pipes.
 - (B) At least three (3) square feet on or off other facility components.
 - (C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

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(d) For emergency renovation projects, the following shall apply:

(1) The owner or operator must estimate the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed as a result of the sudden, unexpected event that necessitated the renovation. All the notification requirements of section 3 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

(A) At least two hundred sixty (260) linear feet on or off pipes.

(B) At least one hundred sixty (160) square feet on or off other facility components.

(C) A total of at least thirty-five (35) cubic feet on or off all facility components.

(2) All the emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

(A) At least three (3) linear feet on or off pipes.

(B) At least three (3) square feet on or off other facility components.

(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(e) For any planned renovation operations involving individual, nonscheduled operations, the following shall apply:

(1) The owner or operator must estimate the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed during a calendar year of January 1 through December 31.

(2) All the notification requirements of section 3 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

(A) At least two hundred sixty (260) linear feet on or off pipes.

(B) At least one hundred sixty (160) square feet on or off other facility components.

(C) A total of at least thirty-five (35) cubic feet on or off all facility components.

(3) For any planned renovation operations involving individual, nonscheduled operations, all the emission control requirements of section 4 of this rule apply regardless of the size of the job or whether or not the to date cumulative amount of RACM has exceeded the threshold amount of any one (1) of the following:

(A) At least three (3) linear feet on or off pipes.

(B) At least three (3) square feet on or off other facility components.

(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(f) For any operations described in subsections (a) through

(e), if circumstances prohibit accurate measurement of RACM present prior to removal, and it becomes apparent during removal that the amount of RACM exceeds the applicable quantities, removal is to cease immediately and the following shall apply:

(1) All notification requirements of section 3 of this rule apply if the amount of RACM on or off all facility components is any one (1) of the following:

(A) At least thirty-five (35) cubic feet.

(B) At least two hundred sixty (260) linear feet on pipes.

(C) At least one hundred sixty (160) square feet on other facility components.

(2) All emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

(A) At least three (3) linear feet on or off pipes.

(B) At least three (3) square feet on or off other facility components.

(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(g) Any person holding a valid Indiana certificate of accreditation, issued under 326 IAC 18-1, on the effective date of this rule shall be considered licensed until the expiration date of their certificate of accreditation.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-1; filed Dec 5, 1990, 3:40 p.m.: 14 IR 608; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2011; filed May 12, 1998, 9:15 a.m.: 21 IR 3739; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 87*)

SECTION 76. 326 IAC 14-10-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-10-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 2. Terms used in this rule not defined in this section are defined as set forth in 40 CFR 61, Subpart A*. The following definitions apply throughout this rule:

(1) "Active waste disposal site" means any disposal site other than an inactive site.

(2) "Adequately wet" means to sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from RACM, then that material has not been adequately wetted. However, the

absence of visible emissions is not sufficient evidence of being adequately wet.

(3) "Asbestos" means an asbestiform variety of the following:

- (A) Chrysotile (serpentine).
- (B) Crocidolite (ribeckite).
- (C) Amosite (cummingtonite-grunerite).
- (D) Anthophyllite.
- (E) Tremolite.
- (F) Actinolite.

(4) "Asbestos-containing waste materials" means any waste that contains commercial asbestos and is generated by a source subject to the provisions of this article. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term includes RACM waste and materials contaminated with asbestos, including disposable equipment and clothing.

(5) "Asbestos-containing material" or "ACM" means asbestos or any material containing more than one percent (1%) asbestos as determined using methods specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy*, including Category I and Category II asbestos-containing material and all friable material.

(6) "Asbestos mill" means any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.

(7) "Asbestos removal project" means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement, renovation, storage, stripping, dislodging, cutting, or drilling that result in the disturbance or repair of any one (1) of the following:

- (A) At least three (3) linear feet of RACM on or off pipes.
- (B) At least three (3) square feet of RACM on or off other facility components.
- (C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components.

These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by section 4 of this rule or 29 CFR 1926.1101*.

(8) "Asbestos tailings" means any solid waste that contains asbestos and is a product of asbestos mining or milling operations.

(9) "Asbestos waste from control devices" means any waste material that contains asbestos and is collected by a pollution control device.

(10) "Category I nonfriable asbestos-containing material (ACM)" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy*.

(11) "Category II nonfriable asbestos-containing material

(ACM)" means any material, excluding Category I nonfriable ACM, containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy* that, when dry, cannot be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.

(12) "Commercial asbestos" means any material containing asbestos that is extracted from ore and has value because of its asbestos content.

(13) "Cutting" means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

(14) "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

(15) "Emergency renovation operation" means a renovation or operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard or is necessary to protect equipment from damage. This term includes operations necessitated by nonroutine failures of equipment.

(16) "Facility" means any:

- (A) school building;
- (B) institutional, commercial, public, or industrial building or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units);
- (C) ship; and
- (D) active or inactive waste disposal site.

For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation, or building that was previously subject to this article is included regardless of its current use or function.

(17) "Facility component" means any part of a facility, including equipment.

(18) "Friable asbestos material" means any material containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy*, that, when dry, can be crumbled, pulverized, or reduced to powder either by hand pressure or mechanical forces reasonably expected to act on the material. If the asbestos content is less than ten percent (10%) as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

(19) "Fugitive source" means any source of emissions not controlled by an air pollution control device.

(20) "Glove bag" means a sealed compartment with attached inner gloves used for the handling of ACM. Properly in-

stalled and used, glove bags provide a small work area enclosure typically used for small scale asbestos stripping operations. Information on glove bag installation, equipment and supplies, and work practices is contained in the Occupational Safety and Health Administration's (OSHA) final rule on occupational exposure to asbestos (Appendix G to 29 CFR 1926.1101*).

(21) "Grinding" means to reduce to powder or small fragments and includes mechanical chipping or drilling.

(22) "HEPA filter" means a high efficiency particulate air filter capable of trapping and retaining at least ninety-nine and ninety-seven hundredths percent (99.97%) of all monodispersed particles of three-tenths (0.3) micrometers in diameter or larger.

(23) "In poor condition" means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.

(24) "Inactive waste disposal site" means any disposal site or portion of it where additional asbestos-containing waste material has not been deposited within the previous twelve (12) months.

(25) "Installation" means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control), including, but not limited to, a group of residential buildings being demolished as part of an urban renewal project or highway project.

(26) "Leak-tight" means that solids or liquids cannot escape or spill out. It also means dust-tight.

(27) "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner so that emissions of asbestos are increased. Failures of equipment shall not be considered malfunctions if they are caused in any way by poor maintenance, careless operation, or any other preventable upset conditions, equipment breakdown, or process failure.

(28) "Manufacturing" means the combining of commercial asbestos or, in the case of woven friction products, the combining of textiles containing commercial asbestos with any other materials, including commercial asbestos, and the processing of this combination into a product. Chlorine production is considered a part of manufacturing.

(29) "Nonfriable asbestos-containing material" means any material containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy*, that, when dry, cannot be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.

(30) "Nonscheduled renovation operation" means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date

cannot be predicted.

(31) "Ordered demolition" means demolition of a facility under an order of a state or local governmental agency, issued because the facility is both structurally unsound and in danger of imminent collapse.

(32) "Outside air" means the air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

(33) "Owner or operator of a demolition or renovation activity" means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

(34) "Particulate asbestos material" means finely divided particles of asbestos or material containing asbestos.

(35) "Planned renovation operations" means a renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual, nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

(36) "Regulated asbestos-containing material (RACM)" means the following:

(A) Friable asbestos material.

(B) Category I nonfriable ACM that has become friable.

(C) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, abrading, or burning.

(D) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this article.

The term does not include nonfriable asbestos-containing resilient floor covering materials unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials, including sheet vinyl flooring, resilient tile, and associated adhesives.

(37) "Remove" means to take out RACM or facility components that contain or are covered with RACM from any facility.

(38) "Renovation" means altering a facility or one (1) or more facility components in any way, including the stripping or removal of RACM from a facility component together with any related handling operation. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

(39) "Resilient floor covering" means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than one percent (1%) asbestos as determined using polarized light microscopy according to the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy*.

(40) "Roadways" means surfaces on which vehicles travel. The term includes, among other surfaces, public and private highways, roads, streets, parking areas, and driveways.

(41) "Sanitary landfill" has the meaning set forth in 329 IAC 10-2-116.

(42) "School" means any combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.

(43) "School building" means the following:

(A) Any structure at a school suitable for use as a classroom, laboratory, library, school eating facility, or facility used for the preparation of food.

(B) Any gymnasium or other facility at a school that is specifically designed for athletic or recreational activities for an academic course in physical education.

(C) Any other facility used by a school for the instruction or housing of students or for the administration of educational or research programs.

(D) Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).

(E) Any portico or covered exterior hallway or walkway that is part of a school.

(F) Any exterior portion of a mechanical system used to heat, ventilate, or air condition (HVAC) the interior space of a school.

(44) "Strip" means to take off RACM from any part of a facility or facility components.

(45) "Structural member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.

(46) "Visible emissions" means any emissions, which are visually detectable without the aid of instruments, emitted from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed uncombined water vapor.

(47) "Waste generator" means any owner or operator of a source covered by this article whose act or process produces asbestos-containing waste material.

(48) "Waste shipment record" means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

(49) "Work area" means the facility, room, or portion of a facility or room where an asbestos removal project is about to occur, is in progress, or has been completed, extending to the point where access to the area, as indicated by either the plastic or poly which forms and surrounds the containment area, or demarcation by sign(s) or barrier tape, including, but not limited to, the glove bag operation area, is limited to those workers or supervisors, or other persons authorized by the employer and required by work duties to be present in regulated areas, implementing the asbestos removal project.

(50) "Working day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-2; filed Dec 5, 1990, 3:40 p.m.: 14 IR 609; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2013; filed May 12, 1998, 9:15 a.m.: 21 IR 3740; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 88*)

SECTION 77. 326 IAC 14-10-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-10-3 Notification requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 3. Each owner or operator of a demolition or renovation activity to whom this section applies shall do the following:

(1) Provide the department with written notice of the intention to demolish or renovate on a form to be provided by the department and update such notice as necessary, including, but not limited to, the following:

(A) When the amount of affected RACM increases or decreases by at least twenty percent (20%).

(B) If there is a change in the following:

(i) Asbestos removal or demolition start date.

(ii) Removal or demolition contractor.

(iii) Waste disposal site.

(2) Postmark or deliver the notice as follows:

(A) At least ten (10) working days before asbestos stripping or removal work or any other activity, such as site preparation, begins that would break up, dislodge, or similarly disturb asbestos material if the operation is a demolition operation described in section 1(a) of this rule and the facility contains at least three (3) square feet, three (3) linear feet, or seventy-five hundredths (0.75) cubic foot of RACM on or off facility components.

(B) At least ten (10) working days before demolition begins if the operation is a demolition operation described in section 1(a) of this rule and the facility contains less than three (3) square feet, three (3) linear feet, or seventy-five hundredths (0.75) cubic foot of RACM, on or off facility components, or there is no asbestos in the facility.

(C) As early as possible before demolition begins if the operation is an ordered demolition operation described in section 1(b) of this rule.

(D) At least ten (10) working days before asbestos stripping or removal work or any other activity, such as site preparation, begins that would break up, dislodge, or similarly disturb asbestos material, begins if the operation is a renovation operation described in section 1(c) of this rule.

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- (E) As early as possible before asbestos stripping or removal work begins, but not later than the following working day, if the operation is an emergency renovation operation described in section 1(d) of this rule.
- (F) At least ten (10) working days before the end of the calendar year preceding the year for which notice is being given for planned renovation operations involving individual, nonscheduled operations described in section 1(e) of this rule.
- (G) Delivery of the notice by the U.S. Postal Service, commercial delivery service, or hand delivery is acceptable. A copy of the previous notification being revised shall be attached to the new, revised notification.
- (H) In the case of a revised notice, a copy of the original notice shall be attached.
- (3) Include the following information in the notice:
- (A) An indication of whether the notice is the original, a revised, or cancelled copy, if applicable.
- (B) Name, address, and telephone number of both the facility owner and operator, the asbestos removal contractor owner or operator, and the demolition contractor owner or operator.
- (C) Type of operation:
- (i) demolition;
 - (ii) demolition by intentional burning;
 - (iii) ordered demolition;
 - (iv) renovation;
 - (v) emergency renovation; or
 - (vi) planned nonscheduled renovation (annual notice).
- (D) Description of the facility or affected part of the facility, including the size in square feet, number of floors, age, and present and prior use of the facility.
- (E) Procedure, including analytical methods, employed to detect the presence and amount of RACM and Category I and Category II nonfriable ACM.
- (F) Estimate of the approximate amount of RACM to be removed in the facility in terms of linear feet of pipe, square feet on other facility components, total cubic feet on all facility components, or total amount on or off all facility components where the length or area could not be measured previously. Also estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition.
- (G) Location and street address, including building number or name and floor or room number, if appropriate, city, county, and state of the facility being demolished or renovated.
- (H) Scheduled starting and completion dates of asbestos removal project, as defined in section 2(7) of this rule, such as site preparation, that would break up, dislodge, or similarly disturb RACM in a demolition or renovation. Planned renovation operations involving individual, nonscheduled operations shall only include the beginning and ending dates of the report period as described in section 1(e) of this rule.
- (I) For renovation operations, scheduled starting and completion dates of the renovation project.
- (J) For demolition operations, scheduled starting and completion dates of the actual facility demolition.
- (K) Description of planned demolition or renovation work to be performed and methods to be employed, including demolition or renovation techniques to be used and a description of the affected facility components.
- (L) Description of work practices and engineering controls to be used to comply with this rule, including RACM removal and waste handling emission control procedures.
- (M) Description of procedures to be followed in the event that unexpected RACM is found or Category I or Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder.
- (N) Name and location of the waste disposal site where the asbestos-containing waste material will be deposited.
- (O) A signed certification from the owner or operator that at least one (1) person trained as required by 40 CFR ~~61*~~, ~~Subpart M, §61.145~~, **61.145**, paragraph (c)(8)* will supervise the stripping and removal described by this notification.
- (P) A signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project.
- (Q) For facilities described in section 1(b) of this rule, the name, title, and authority of the state or local governmental representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification.
- (R) For demolition and renovation projects described in section 1(a) through 1(e) of this rule, include the name, address, telephone number, and license number issued under 326 IAC 18 of the following:
- (i) Person who inspected the facility for RACM.
 - (ii) Person who designed the asbestos removal project if RACM is present, if applicable.
 - (iii) Person who will implement the asbestos removal project if RACM is present.
- (S) For emergency renovations described in section 1(d) of this rule, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition or would cause equipment damage.
- (T) Name, address, and telephone number of the waste transporter.
- (4) When the stripping or removal of RACM in demolition or renovation operations described in section 1(a) and 1(c) of this rule will begin:
- (A) on a date after the date specified in the original or the most recent revised notification, provide written notice of the new stripping or removal start date to the department postmarked at least five (5) working days or delivered at

least two (2) working days before the start date of asbestos stripping or removal specified in the notification that is being revised; or

(B) on a date earlier than the date specified in the original or the most recent revised notification, provide written notice of the new stripping or removal start date to the department postmarked or delivered at least ten (10) working days before the start date of asbestos stripping or removal work begins.

(5) When the demolition described in section 1(a) of this rule, including the demolition of facilities with no asbestos, will begin on a date later than the date specified in the original or the most recent revised notification, written notice of the new demolition start date must be provided to the department postmarked at least:

(A) five (5) working days; or

(B) delivered at least two (2) working days;

before the start date of demolition specified in the notification that is being revised.

(6) When the demolition described in section 1(a) of this rule, including the demolition of facilities with no asbestos, will begin on a date earlier than the date specified in the original or the most recent revised notification, written notice of the new demolition start date must be provided to the department postmarked at least ten (10) working days before the start date of demolition.

(7) In no event shall RACM removal work (or any other activity, including site preparation that would break up, dislodge, or similarly disturb asbestos material) or demolition activities begin on a date other than the date contained in the most recent written notification.

***This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-3; filed Dec 5, 1990, 3:40 p.m.: 14 IR 610; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2016; errata filed Apr 12, 1995, 3:30 p.m.: 18 IR 2261; filed May 12, 1998, 9:15 a.m.: 21 IR 3743; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 91*)

SECTION 78. 326 IAC 14-10-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 14-10-4 Procedures for asbestos emission control

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 4-21.5-3-7; IC 13-15; IC 13-17

Sec. 4. Each owner or operator of a demolition or renovation activity to whom this section applies according to section 1 of

this rule, shall comply with the following emission control procedures:

(1) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. However, RACM need not be removed before demolition if the RACM meets any one (1) of the following requirements:

(A) It is Category I nonfriable ACM that:

(i) is not in poor condition;

(ii) is not friable; and

(iii) will not become friable during demolition.

(B) It is on a facility component that:

(i) is encased in concrete or other similarly hard material; and

(ii) is adequately wet whenever exposed during demolition.

(C) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as asbestos-containing waste material and must be adequately wet at all times until properly disposed of at a waste disposal site operated in accordance with the requirements of 40 CFR 61.150* and 329 IAC 10-8 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.].

(D) It is Category II nonfriable ACM and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition.

(2) When a facility component that contains, is covered with, or is coated with RACM is being taken out of the facility as a unit or in sections, the following shall occur:

(A) Adequately wet all RACM exposed during cutting or disjoining operations.

(B) Carefully lower each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.

(3) When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation. In renovation operations, wetting is not required if the following occur:

(A) The owner or operator has obtained prior written approval from the department based on a written application that wetting to comply with this subdivision would unavoidably damage equipment or present a safety hazard.

(B) The owner or operator uses one (1) or more of the following emission control methods:

(i) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in 40 CFR 61.152*.

(ii) A glove bag system designed and operated to contain

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the particulate asbestos material produced by the stripping of the asbestos materials.

(iii) Leak-tight wrapping to contain all RACM prior to dismantlement.

(C) In renovation operations where wetting would result in equipment damage or a safety hazard and the methods allowed in clause (B) cannot be used, another method may be used after obtaining written approval from the department based upon a determination that it is equivalent to wetting in controlling emissions or to the methods allowed in clause (B).

(D) A copy of the department's written approval shall be kept at the work site and made available for inspection.

(E) Denial by the department of prior written approval referenced in this subdivision may be appealed under IC 4-21.5-3-7.

(4) After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections under subdivision (2), it shall be stripped or contained in leak-tight wrapping, except as described in subdivision (5). If stripped, perform either of the following:

(A) Adequately wet RACM during stripping.

(B) Use a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in 40 CFR 61.152*.

(5) For large facility components, such as reactor vessels, large tanks, and steam generators, but not beams, that must be handled in accordance with subdivisions (2) through (4), the RACM is not required to be stripped if the following requirements are met:

(A) The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM.

(B) The component is encased in a leak-tight wrapping.

(C) The leak-tight wrapping is labeled according to 40 CFR 61.149(d)(1)(i)*, 40 CFR 61.149(d)(1)(ii)*, and 40 CFR 61.149(d)(1)(iii)* during all loading and unloading operations and during storage.

(6) For all RACM, including material that has been removed or stripped, the following requirements must be met:

(A) Adequately wet the material and ensure that it remains wet until collected and contained or treated for disposal and is disposed of in accordance with 40 CFR 61.150* and 329 IAC 10-8 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.] (RACM shall be adequately wet throughout all stages of disposal).

(B) Carefully lower the materials to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.

(C) Transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than fifty (50) feet above ground level and was not re-

moved as units or in sections.

(D) RACM contained in leak-tight wrapping that has been removed in accordance with subdivision (3)(B)(iii), (4), or (7)(B)(ii)(CC) (leak-tight wrapping to contain all RACM prior to dismantlement) need not be wetted.

(7) When the temperature at the point of wetting is below zero (0) degrees Celsius (~~0°C~~) (thirty-two (32) degrees Fahrenheit), (~~32°F~~); the owner or operator must proceed with both of the following:

(A) Remove facility components containing, coated with, or covered with RACM as units or in sections to the maximum extent possible.

(B) During periods when wetting operations are suspended due to freezing temperatures, the following requirements must be met:

(i) Record the temperature in the area containing the facility components at the beginning, middle, and end of each workday and keep daily temperature records available for inspection by the department at the demolition or renovation site and retain the temperature records for at least two (2) years.

(ii) Use one (1) or more of the following emission control methods:

(AA) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air and be designed and operated in accordance with the requirements in 40 CFR 61.152*.

(BB) A glove bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.

(CC) Leak-tight wrapping to contain all RACM prior to dismantlement.

(8) For facilities described in section 1(b) of this rule undergoing an ordered demolition, adequately wet the portion of the facility that contains RACM and suspect RACM during the wrecking cleanup, disposal, and related handling operations.

(9) Upon completion of stripping and removal operations for demolition projects described in section 1(a) of this rule and renovation projects described in section 1(c) through 1(f) of this rule, collect visible contamination of asbestos by employing one (1) or both of the following cleaning procedures:

(A) Vacuum all surfaces in the work area using a vacuum equipped with a HEPA filter and remove all standing water.

(B) Wet wipe or wet mop all surfaces in the work area and remove all standing water.

(10) Upon completion of the cleanup requirements identified in subdivision (9), an Indiana licensed supervisor, prior to the removal of the warning signs or other demarcation of the work area, shall perform a final visual inspection of the work area for visible suspect RACM debris. If visible suspect RACM debris is discovered, then the requirements of

subdivision (9) shall be repeated until all visible suspect RACM debris has been removed. Upon completion of the above, the licensed supervisor shall certify in writing that the final visual inspection was completed and the work area is free of all visible suspect asbestos debris. This certification shall also include the date of the final visual inspection, the location of the asbestos removal project, and the licensed supervisor's signature. The certification shall be retained by the contractor for a period of at least three (3) years from the date of the final visual inspection and must be made available upon request from the department. A copy of the certification shall also be sent to the building owner.

(11) For any RACM or suspect RACM, the following requirements must be met:

(A) Any stripped, disturbed, or removed friable asbestos materials that are in a leak-tight wrapping and left at a facility or stored elsewhere prior to disposal must be securely stored in a manner that restricts access by unauthorized persons to the material. The material must be stored in locked containers, rooms, trucks, or trailers. Asbestos warning signs or labels must be prominently displayed on the door of the locked containers, rooms, trucks, or trailers. If such secure areas are not available, other security measures must be employed, including the use of barriers, security guards, or other measures approved by the department. Asbestos warning labels must be posted in all areas where asbestos is stored.

(B) When an ongoing asbestos project is interrupted for any nonemergency situation, all RACM that was disturbed, stripped, or removed must be wetted and placed into leak-tight wrapping and stored in a manner consistent with clause (A). If the RACM that was stripped, disturbed, or removed is not, or cannot be, collected and placed into leak-tight wrapping and stored during the abatement interruption, a licensed Indiana worker or supervisor must remain at the job site to prevent unauthorized persons from entering the work area. Asbestos warning signs or labels must be posted on all entrances and exits to the work area.

(12) If a facility is demolished by intentional burning, all RACM, including Category I and Category II nonfriable ACM, must be removed in accordance with this rule before burning. Asbestos-containing material may not be burned.

(13) No asbestos removal project shall be implemented at a facility regulated by this rule unless at least one (1) Indiana licensed asbestos project supervisor, trained in the provisions of this rule and 40 CFR 61, Subpart M*, and the means of complying with them, is present on-site in the work area during the asbestos removal project. Every year, the Indiana licensed project supervisor shall receive refresher training from an Indiana approved asbestos project supervisor course as provided for in 326 IAC 18 and 40 CFR 61, Subpart M*. The required training shall include, as a minimum, the following:

- (A) Applicability.
- (B) Notifications.
- (C) Material identification.
- (D) Control procedures for removals, including, at least,

wetting, local exhaust ventilation, negative pressure enclosures, glove bag procedures, and high efficiency particulate air (HEPA) filters.

(E) Waste disposal work practices.

(F) Reporting and record keeping.

(G) Asbestos hazards and worker protection.

Evidence that the required training has been completed shall be posted and made available for inspection by the department at the demolition or renovation site.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-4; filed Dec 5, 1990, 3:40 p.m.: 14 IR 611; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2018; filed May 12, 1998, 9:15 a.m.: 21 IR 3745; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 93*)

SECTION 79. 326 IAC 15-1-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 15-1-2 Source-specific provisions

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-17

Sec. 2. (a) The sources listed below shall comply with the following emission and operating provisions:

Source	Facility Description	Emission Limitation lbs./hr.
(1) Refined Metals of Indianapolis	M-1 baghouse stack ¹	0.91
	M-2 baghouse stack ¹	0.15
	M-3 baghouse stack ¹	0.15
	M-4 baghouse stack ¹	0.30

¹Compliance shall be achieved on or before April 30, 1992.

(A) On or before June 1, 1987, Refined Metals of Indianapolis shall install and operate hooding systems for the blast furnace skip hoist and charging area, the blast furnace slag and lead tapping area, the casting area, the refining kettles, and the lead dust furnace charging area.

(B) The hooding systems required for the operations listed in clause (A) shall vent the emissions through a control device to one (1) of the four (4) stacks, M-1 through M-4.

(C) On or before June 1, 1987, Refined Metals of Indianapolis shall also install and operate enclosed screw conveyors to transport lead flue dusts to the lead dust furnace. There shall be no visible emissions from the screw conveyors. Compliance shall be determined by 40 CFR 60, Appendix A, Method 22**.

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(D) The buildings housing the blast furnace, dust furnace, and materials storage shall be kept under continuous negative pressure by constant flow rate fans ducted to control devices.

(E) The company shall install and operate a continuous monitoring system to measure and record pressure differential to ensure that the materials storage building and the blast/dust furnace area are maintained under negative pressure while the plant is in operation. The monitoring system shall be located on the north wall of the materials storage building. It shall consist of a differential pressure sensor/transmitter, a processor, and a recording device. This system shall produce valid data ninety-five percent (95%) of the time when the plant is operating. Data generated by this monitoring system shall be kept available for inspection at the site for a period of two (2) years.

(F) The blast furnace and the dust furnace fugitive emissions shall be drawn from the enclosure by a constant flow rate fan to a control device. The control device shall vent to the atmosphere through the M-4 baghouse stack which shall be at least eighty (80) feet in height from ground level.

(G) Visible emissions from the M-1, M-2, M-3, and M-4 baghouse stacks shall not exceed a six (6) minute average of five percent (5%) opacity for each stack as determined in accordance with 40 CFR 60, Appendix A, Method 9**.

(H) Visible emissions from building openings such as doors and windows shall not exceed a three (3) minute average of three percent (3%) opacity. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9**, except that the opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(I) Refined Metals of Indianapolis shall install and operate continuous opacity monitoring systems in the M-1 and the M-4 baghouse stacks or in the ductwork leading to those stacks. COMS data shall be used to determine compliance with the five percent (5%) opacity limit required by clause (G). The COMS shall meet the performance and installation requirements of 40 CFR 60, Appendix B, Performance Specification 1**. The company shall also comply with the following:

(i) A complete written standard operating procedure (SOP) for COMS shall be submitted to the department for approval. The department shall complete the review of the COMS SOP within sixty (60) days of submittal. The COMS SOP shall contain, at minimum, complete step-by-step procedures for the following:

- (AA) Calibration procedures.
- (BB) Operation procedures.
- (CC) Preventive maintenance procedures.
- (DD) Quality control and quality assurance (QA) procedures.
- (EE) Record keeping and reporting procedures.

(ii) The company shall perform quarterly COMS performance audits and notify the department fourteen (14)

days in advance of each audit. The company shall submit quarterly COMS QA reports to the department within thirty (30) days following the end of the quarter. Each report shall summarize performance audit results and provide an explanation for periods of time during the quarter when valid data was not collected.

(iii) COMS excess emission reports shall be submitted to the department within thirty (30) days following the end of each calendar quarter. These reports shall contain, at minimum, the following:

- (AA) The operating time of the monitored facilities.
- (BB) The date and time each COMS recorded opacity measurements above the five percent (5%) opacity limit.
- (CC) The date and time each COMS was inoperative or malfunctioning.
- (DD) A description of the nature and cause of any excess emissions.

(J) Refined Metals of Indianapolis shall achieve compliance with clauses (D) through (I) by March 1, 1994. In the event that the plant is idle on March 1, 1994, compliance with clauses (D) through (I) shall be achieved by the date the plant resumes production. Refined Metals shall notify the department thirty (30) days before production resumes to enable the department to make a compliance determination.

(K) Refined Metals of Indianapolis shall perform a stack test on the M-1, M-2, M-3, and M-4 baghouse stacks and demonstrate compliance with this subdivision by June 30, 1992. All subsequent stack tests shall be conducted utilizing the methodologies of 40 CFR 60, Appendix A, Methods 1, 2, 3, 4, 5, and 12**.

(L) Any violation of the National Ambient Air Quality Standards (NAAQS) shall result in an investigation by Refined Metals to determine the cause of the violation. Such an investigation shall be completed within ninety (90) days after the date the violation is confirmed. Refined Metals shall provide a corrective action plan to the department for approval within ninety (90) days of the confirmation of the violation. The plan shall specify the actions required to continuously meet the NAAQS. Refined Metals shall implement the plan upon approval by the department. The department may require a cessation in production, if needed, to assure continuous attainment of the NAAQS.

(2)	Chrysler Corpo- ration Foundry, Indianapolis	Cupola stack Cupola fugitive	0.550 1.894
(3)	Delco Remy Division of General Motors Corporation, Muncie	Lead oxide mfg. stack (each of 5) Oxide grinder stack (each of 2) *Central tunnel system stack (each of 4) Reverberatory furnace stack O.S.I. drying oven stack (each of 4) Electric melting pot stack	0.068 0.123 0.254 0.225 0.0015 0.159

*On or before June 1, 1987, Delco Remy shall install ductwork to vent emissions from the vacuum cleaning lines through the control devices and stacks serving the Central Tunnel System.

(4) Indiana Oxide Corporation, Brazil	Barton #1 reactor	0.215
	Barton #2 reactor	0.215
	Barton #3 reactor	0.215
	Barton #4 reactor	0.215
	Rake furnace	0.006
	Kiln #2	0.002
	*Franklin reactor	0.603

*Shall not operate more than 670 hours per quarter.

(5) U.S.S. Lead Refinery, East Chicago	*Blast furnace stack	0.002
	*Blast furnace fugitive	
	Charging	2.922
	Lead tapping	0.002
	Slag tapping	0.005
	*Refining kettles fugitive	0.0001
	*Casting fugitive	0.393
	*Reverberatory furnace fugitive	0.345

*Shall not operate more than 334 hours per quarter.

(6) Hammond Lead Products, Inc., HLP-Lead Plant	Stack 4A-S-8	0.053
	Stack 14-S-16	0.053
	Stack 1-S-2	0.053
	Stack 1-S-26	0.053
	Stack 16-S-56	0.200
	Stack 1-S-52	0.070
	Stack 1-S-27	0.020
	Stack 4-S-35	0.090
	Stack 6-S-33	0.070
	Stack 4B-S-34	0.080
	Stack 6-S-47	0.021
	Stack V-1	0.090
	Stack V-11	0.006

(A) The ventilator control system (Stack V-1) shall consist of a fan with a constant flow rate that draws air from the building through a HEPA filter which vents to the atmosphere through a stack. The HEPA filters shall be maintained and operated in order to achieve maximum control efficiency. In addition to the requirements contained in subsection (c), Hammond Lead Products, Inc. shall submit an operation and maintenance plan by July 31, 1990, which incorporates good housekeeping practices for the ventilator control systems. This operation and maintenance plan shall be incorporated into the operating permits for Hammond Lead Products, Inc. and submitted to U.S. EPA as a revision to Indiana's lead state implementation plan by December 31, 1990. The ventilator control systems shall be designed such that process fugitive emissions will not routinely escape the buildings except as vented through the ventilator control systems. The compliance test method

specified in section 4(a) of this rule shall be used to determine compliance with the emission limitations for the ventilator control system stacks.

(B) By December 31, 1989, the stack heights for all processes except Stack 16-S-56, Stack 1-S-52, and the ventilator control systems shall be no less than sixty (60) feet above grade; the stack heights for Stack 16-S-56 and Stack 1-S-52 shall be no less than eighty-two (82) feet above grade; and the stack height for Vent 11 shall be no less than thirty-five (35) feet above grade. By July 31, 1990, the stack heights for the other ventilator control systems shall be no less than sixty (60) feet above grade.

(C) Hammond Lead Products, Inc. shall install HEPA filters according to the following schedule:

Stack 4A-S-8	March 31, 1992
Stack 14-S-16	June 30, 1992
Stack 1-S-2	December 31, 1991
Stack 1-S-26	September 30, 1992
*Stack 16-S-56:	
130 bag filter	November 20, 1989
100 bag filter	December 6, 1989
80 bag filter	June 1, 1989
72 bag filter	December 31, 1991
Stack 1-S-52	December 31, 1989
Stack 1-S-27	August 15, 1987
Stack 4-S-35	October 16, 1989
Stack 6-S-33	July 22, 1988
Stack 4B-S-34	October 5, 1989
Stack 6-S-47	May 26, 1988

*Four (4) bag filters are vented through common Stack 16-S-56.

(D) Hammond Lead Products, Inc. shall provide written notification to the commissioner within three (3) days after the installation of HEPA filters is completed at each of the sites listed in clause (A).

(E) All emissions limitations in this subdivision shall be met by December 31, 1992.

(F) This subdivision shall be submitted to the U.S. EPA as a revision to the Indiana state implementation plan.

(7) Hammond Group-Halstab Division	Stack S-1	0.04
	Stack S-2	0.03
	Stacks S-4, S-5 (each)	0.07
	Stacks S-6, S-7, S-8 (each)	0.05
	Stacks S-9, S-10, S-11 (each)	0.04
	S-12, S-13 (each)	0.04
	S-14, S-15, S-16 (each)	0.04
	Stacks S-17, S-21 (each)	0.07

(A) Hammond Group-Halstab Division shall install and maintain one (1) baghouse with laminated filters followed by one (1) HEPA filter in series with the baghouse on each of stacks S-1, S-2, S-4 through S-17, and S-21.

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(B) Hammond Group-Halstab Division shall submit a proposed ambient monitoring and quality assurance plan within thirty (30) days of the effective date of this rule.

(C) Hammond Group-Halstab Division shall commence ambient monitoring within thirty (30) days of the department's approval of the proposed ambient monitoring and quality assurance plan.

(D) Hammond Group-Halstab Division shall conduct a minimum of twenty-four (24) months of monitoring for lead. The monitoring shall be:

(i) performed using U.S. EPA-approved methods, procedures, and quality assurance programs; and

(ii) in accordance with the ambient monitoring and quality assurance plan as approved by the department.

(E) The requirement to monitor shall expire twenty-four (24) months from the commencement date of the monitoring provided the monitored values, averaged over a calendar quarter, do not exceed eighty percent (80%) of the National Ambient Air Quality Standards (NAAQS) level for lead in any quarter during twenty-four (24) months.

(F) If the monitored values averaged over a calendar quarter exceed eighty percent (80%) of the NAAQS level for lead during the twenty-four (24) month period, monitoring shall be continued until eight (8) continuous quarters of monitored values do not exceed eighty percent (80%) of the NAAQS level for lead.

(G) If the monitored values, averaged over a calendar quarter, exceed eighty percent (80%) of the NAAQS level for lead for two (2) or more continuous quarters, the department and Hammond Group-Halstab Division shall analyze and assess causes of the emissions and determine whether changes to control requirements or operating practices are appropriate.

(b) In addition to the sources listed in subsection (a), the following sources shall comply with subsection (c) and section 3 of this rule:

- (1) Exide Corporation, Logansport.
- (2) C & D Batteries, Attica.
- (3) Exide Corporation, Frankfort.

(c) Operation and maintenance programs shall be designed to prevent deterioration of control equipment performance. For sources listed in subsection (a)(1) through (a)(7), these programs shall be submitted to the department of environmental management, office of air management, on or before June 1, 1987. For sources listed in subsection (b), these programs shall be submitted to the office of air management on or before February 1, 1988. These programs will be incorporated into the individual source operation permits.

****Copies of the Code of Federal Regulations (CFR) **These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review**

and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 15-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2564; errata filed Jul 6, 1988, 1:00 p.m.: 11 IR 3921; filed Jun 14, 1989, 5:00 p.m.: 12 IR 1850; filed Aug 8, 1991, 10:00 a.m.: 14 IR 2203; filed Dec 17, 1992, 5:00 p.m.: 16 IR 1379; errata filed Mar 10, 1993, 5:00 p.m.: 16 IR 1832; filed Mar 28, 1994, 5:00 p.m.: 17 IR 1878; errata, 17 IR 2080; filed May 31, 1994, 5:00 p.m.: 17 IR 2233; errata filed Jun 10, 1994, 5:00 p.m.: 17 IR 2356; filed Jan 6, 1999, 4:23 p.m.: 22 IR 1427; filed Dec 1, 2000, 2:22 p.m.: 24 IR 954; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565; filed Aug 26, 2004, 11:30 a.m.: 28 IR 95)

SECTION 80. 326 IAC 15-1-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 15-1-4 Compliance

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-17

Sec. 4. (a) Determination of compliance with the lead emission limitations established pursuant to section 2 of this rule shall be made in accordance with the procedures outlined in 40 CFR 60, Appendix A, Method 12,* and 326 IAC 3-2 [326 IAC 3-2 was repealed filed Aug 2, 1990, 4:50 p.m.: 14 IR 81.], Source Sampling Procedures.

(b) Those sources having restricted operating hours specified in section 2 of this rule shall be as follows:

- (1) Maintain logs indicating hours of operation each day.
- (2) Submit quarterly summaries of operating logs to the department of environmental management, office of air management, before the end of the month following the completed quarter.

***This document is incorporated by reference. Copies of the Code of Federal Regulations (C.F.R.) 60 referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or from are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, 100 North Senate Avenue, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 15-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2567; filed Jun 14, 1989, 5:00 p.m.: 12 IR 1854; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 98)**

SECTION 81. 326 IAC 16-3-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 16-3-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-17

Sec. 1. (a) The provisions of this rule shall apply to all federal actions, except federal highway and transit actions, and shall establish the criteria and procedures governing the determination of conformity.

(b) The air pollution control board incorporates by reference 40 CFR 51, Subpart W*, “Determining Conformity of General Federal Actions to State or Federal Implementation Plans” with the exception of Section 40 CFR 51.851 State Implementation Plan (SIP) revisions*.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 16-3-1; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3050; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571; filed Aug 26, 2004, 11:30 a.m.: 28 IR 98*)

SECTION 82. 326 IAC 18-1-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 18-1-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 2. The following definitions apply throughout this rule:

- (1) “Approved initial training course” means a course approved by the department under 326 IAC 18-2 for purposes of providing initial training to persons to become licensed.
- (2) “Approved refresher training course” means a course approved by the department under 326 IAC 18-2 for purposes of providing refresher training to licensed persons.
- (3) “Asbestos” means the asbestiform varieties of the following:
 - (A) Chrysotile (serpentine).
 - (B) Crocidolite (riebeckite).
 - (C) Amosite (cummingtonite-grunerite).
 - (D) Anthophyllite.
 - (E) Tremolite.
 - (F) Actinolite.
- (4) “Asbestos-containing building material” or “ACBM” means any ACM that is in or on structural members or other parts of a school.
- (5) “Asbestos-containing material” or “ACM” means asbestos or any material containing more than one percent (1%) asbestos as determined by methods specified in 40 CFR 763, Appendix E, Subpart E, Section 1, Polarized Light Microscopy* including Category I and Category II asbestos-containing material and all friable material.
- (6) “Asbestos-Containing Materials in Schools Rule” means

the Asbestos-Containing Materials in Schools Rule under 40 CFR 763, Subpart E*.

- (7) “Asbestos waste disposal manager” means a person who is present on-site during all ACM handling and disposal activities under 329 IAC 10-8 [*329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.*].
- (8) “Asbestos license” means a document issued by the department to a person meeting the licensing requirements of this rule.
- (9) “Asbestos Model Accreditation Plan Rule” means the Asbestos Model Accreditation Plan Rule under 40 CFR 763, Subpart E, Appendix C*.
- (10) “Asbestos removal contractor” means a person who enters into one (1) or more contracts to implement an asbestos removal project at a facility.
- (11) “Asbestos removal project” means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement, renovation, repair, removal, storage, stripping, dislodging, cutting, or drilling that result in the disturbance or repair of any one (1) of the following:
 - (A) At least three (3) linear feet of RACM on or off pipes.
 - (B) At least three (3) square feet of RACM on or off other facility components.
 - (C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components.
 These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by 326 IAC 14-10-4 or 29 CFR 1926.1101* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
- (12) “Certificate of accreditation” means a document issued by the department to a person who met the accreditation requirements of this rule prior to the rule being amended to change the term from accreditation to asbestos license.
- (13) “Certificate of training” means a document issued by an approved initial or refresher training course provider to a person indicating that the person attended an approved initial or refresher training course and received a passing score on the written examination for such course. A certificate of training issued to a person seeking licensing by the department shall not be valid for purposes of this subdivision if such certificate of training is issued by a training course provider who is such person’s partner or employer or a subsidiary entity of such person’s employer.
- (14) “Facility” means any:
 - (A) school building;
 - (B) institutional, commercial, public, or industrial building, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units);
 - (C) ship; and
 - (D) active or inactive waste disposal site.

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For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. The term includes any structure, installation, or building that was previously subject to 326 IAC 14, regardless of its current use or function.

(15) “Facility component” means any part of a facility, including equipment.

(16) “Friable” means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material and includes previously nonfriable material after such nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

(17) “Inspection” means those activities undertaken to specifically determine the presence or location, or to assess the condition of, friable or nonfriable ACM, or suspected ACM, whether by visual or physical examination, or by collecting samples of such material. In addition, the term includes all reinspections of friable and nonfriable known or assumed ACM which has been previously identified. The term excludes the activities of periodic surveillance, compliance inspections, and visual inspections as referenced in 40 CFR 763.90(i)*.

(18) “Inspector” means any person who conducts an inspection for ACM in a facility.

(19) “Interim accreditation”, when referring to a training course, means that the U.S. EPA has determined that the training course meets the requirements of Section 206(c)(2) of the Toxic Substances Control Act (TSCA) Title II*.

(20) “Licensed”, when referring to a person, means a person holding a current asbestos license issued by the department under this rule.

(21) “Major fiber release episode” means any disturbance of ACM, resulting in a visible emission, which involves the falling or dislodging of more than three (3) square feet, three (3) linear feet, or seventy-five hundredths (0.75) cubic foot of friable ACM.

(22) “Management plan” means a document prepared under the Asbestos-Containing Materials in Schools Rule under 40 CFR 763, Subpart E* that addresses the manner in which ACM will be handled in a school building.

(23) “Management planner” means any person who prepares management plans for schools.

(24) “Nonfriable”, when referring to material at a facility, means material which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

(25) “Person” has the meaning as set forth in IC 13-11-2-158(a).

(26) “Photographic identification card” means any of the following:

(A) A valid driver’s license or identification (ID) card

issued by any state that displays the individual’s photograph.

(B) A valid work visa issued by the United States Department of Justice.

(C) A valid United States passport.

(27) “Project designer” means a person who designs any of the following activities with respect to RACM in a facility:

(A) An asbestos project other than a small scale short duration (SSSD) maintenance activity.

(B) A maintenance activity that disturbs RACM other than an SSSD maintenance activity.

(C) An asbestos project for a major fiber release episode.

(28) “Project supervisor” means a person who supervises or performs any of the following activities with respect to RACM in a facility:

(A) An asbestos project other than an SSSD activity.

(B) A maintenance activity that disturbs RACM other than an SSSD activity.

(C) An asbestos project for a major fiber release episode.

(29) “Regulated asbestos-containing material” or “RACM” means the following:

(A) Friable asbestos material.

(B) Category I nonfriable ACM that has become friable.

(C) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, abrading, or burning.

(D) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this article.

The term does not include nonfriable asbestos-containing resilient floor covering materials unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials include sheet vinyl flooring, resilient tile, or associated adhesives.

(30) “Response action” means a method, including removal, encapsulation, enclosure, repair, and operation and maintenance, that protects human health and the environment from RACM.

(31) “School” means any combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.

(32) “School building” means the following:

(A) Any structure at a school suitable for use as a classroom, laboratory, library, school eating facility, or facility used for the preparation of food.

(B) Any gymnasium or other facility at a school which is specially designed for athletic or recreational activities for an academic course in physical education.

(C) Any other facility used by a school for the instruction or housing of students or for the administration of educational or research programs.

(D) Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).

(E) Any portico or covered exterior hallway or walkway which is part of a school.

(F) Any exterior portion of a mechanical system used to heat, ventilate, or air condition (HVAC) interior space of a school.

(33) "Small-scale, short duration" or "SSSD" means any activity in which the amount of RACM being disturbed is less than three (3) linear feet on or off pipes or three (3) square feet on or off other facility components, or a total of less than seventy-five hundredths (0.75) cubic foot on or off all facility components.

(34) "Structural member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.

(35) "Worker" means a person who performs any of the following activities with respect to RACM in a facility:

- (A) An asbestos project other than an SSSD activity.
- (B) A maintenance activity that disturbs RACM other than an SSSD activity.
- (C) An asbestos project for a major fiber release episode.

*These materials have been documents are incorporated by reference. and are available at **Copies may be obtained from** the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-1-2; filed Sep 23, 1988, 1:45 p.m.: 12 IR 269; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2110; filed Dec 5, 1990, 3:40 p.m.: 14 IR 612; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2740; errata filed Jul 5, 1995, 10:00 a.m.: 18 IR 2795; filed May 12, 1998, 9:15 a.m.: 21 IR 3748; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572; filed Aug 26, 2004, 11:30 a.m.: 28 IR 99*)

SECTION 83. 326 IAC 18-1-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 18-1-5 Asbestos license; application

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 5. (a) Any person seeking an initial asbestos license from the department as an asbestos inspector, a management planner, a project designer, a supervisor, a worker, or an asbestos waste disposal manager, shall complete the following:

- (1) Submit a completed application on forms provided by the department.
- (2) Provide a copy of all required certificates of training indicating that the person successfully completed the approved initial and any requisite refresher training courses as defined in section 2(2) and 2(3) of this rule and received passing scores on all written examinations for such courses.

(3) Pay the license application fee specified in section 9 of this rule.

(b) Any person seeking an initial asbestos license from the department as an asbestos contractor shall complete the following:

- (1) Submit a completed written application on forms provided by the department.
- (2) Provide a statement that the person has read and understands this rule, the Asbestos-Containing Materials in Schools Rule, and 326 IAC 14-10.
- (3) Provide a copy of all required certificates of training indicating that the person, or the contractor's designated representative, successfully completed the approved initial and any requisite refresher training courses for asbestos project supervisor or asbestos contractor and received passing scores on all written examinations for such courses.
- (4) Provide a complete list of prior contracts for the previous twelve (12) months for asbestos projects, including names, addresses, and telephone numbers of persons for whom projects were performed.
- (5) Provide an up-to-date copy of the contractor's written standard operating procedures, which include current compliance procedures, for the following regulatory programs:
 - (A) 326 IAC 14-2 (Emission Standards for Sources of Asbestos).
 - (B) 326 IAC 14-10 (Asbestos Demolition and Renovation Operations).
 - (C) 326 IAC 18-1 (Asbestos Management Personnel; Licensing).
 - (D) 329 IAC 10-8 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.] (Special Waste).
 - (E) 29 CFR 1926.1101* (Occupational Exposure to Asbestos, Final Rule).
 - (F) 29 CFR 1910.134* (Occupational Safety and Health Standards, Subpart I, Personal Protective Equipment).
- (6) Provide a description of any asbestos projects that the contractor conducted that were prematurely terminated or not completed, including the circumstances surrounding termination.
- (7) Provide a list of any contractual penalties that the contractor has paid for noncompliance with contract specifications.
- (8) Provide copies of any and all warning letters, Notice and Order of the Commissioner, Agreed Orders, citations, notices of violation, or findings of violation levied against the contractor by any federal, state, or local governmental agency for violations of regulations or other laws pertaining to asbestos activities, including names and locations of the projects, the dates, and a description of how the allegations were resolved.
- (9) Provide a description detailing all legal proceedings, lawsuits, warning letters to supervisors from the commissioner, or claims which have been filed or levied against the contractor or any of his past or present employees, while employed by said contractor, for asbestos-related activities.

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(10) Provide documentation of the contractor's financial responsibility with a current certificate of insurance with at least five hundred thousand dollars (\$500,000) of asbestos liability insurance. The company offering insurance coverage must be recognized or licensed by the Indiana department of insurance.

(11) Pay the license application fee as specified in section 9 of this rule.

(c) If the department determines the information on the application to be incomplete, the applicant will be requested to submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable.

(d) In addition to the requirements of subsections (a)(2) and (b)(3), the department may require an applicant or a designated representative of a contractor, in the case of subsection (b)(3), to take an examination administered by the department. The examination shall cover only the discipline for which the applicant is seeking a license. The department shall deny the application if the applicant does not receive a passing score of seventy percent (70%). If the department denies the application, the certificate of training is invalid, and the applicant must retake and pass the initial training course for the discipline for which the applicant is seeking a license.

(e) The applicant shall provide two (2) copies of a clear and recent one and one-half (1½) inch by one and one-half (1½) inch identifying color photograph at the time of application to be attached to the face of the asbestos license by the department prior to issuance of the license by the department.

(f) The department shall review the application and shall make a determination as to the eligibility of the person. The department shall issue an asbestos license to any person who fulfills the requirements established by this rule. The department may deny an application for an asbestos license based on any of the criteria listed in section 7 of this rule, as applicable, or for failure to comply with any other provision of this rule.

(g) Applications must be completed in writing and submitted for processing. The department shall not process applications on a walk-in basis or process applications over the telephone. If the application is approved, the license will be sent to the applicant via the U.S. Postal Service to the address as listed on the application.

(h) An asbestos license shall be valid for one (1) year from the date of issuance.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and**

copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-1-5; filed Sep 23, 1988, 1:45 p.m.: 12 IR 271; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2113; filed May 12, 1998, 9:15 a.m.: 21 IR 3752; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572; filed Aug 26, 2004, 11:30 a.m.: 28 IR 101*)

SECTION 84. 326 IAC 18-1-7 IS AMENDED TO READ AS FOLLOWS:

326 IAC 18-1-7 Asbestos license; revocation; denial

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 7. The department may revoke an asbestos license or deny an application for an asbestos license or license renewal if the person or applicant does any of the following:

- (1) Violates any requirement of this rule or any requirement of:
 - (A) the Asbestos-Containing Materials in Schools Rule;
 - (B) 326 IAC 14-10;
 - (C) the Asbestos Model Accreditation Plan Rule (40 CFR 763, Subpart E)*; or
 - (D) any other federal, state, or local regulation or other laws pertaining to asbestos in buildings or to asbestos projects.
- (2) Falsifies information on an application for an asbestos license.
- (3) Fails to meet any requirement specified in section 4 of this rule.
- (4) Conducts an asbestos project, or related asbestos handling activity, in a manner which is hazardous to the public health.
- (5) Performs work requiring an asbestos license at a job site without being in physical possession of initial and current accreditation certificates or license.
- (6) Permits the duplication or use of one's own asbestos license by another.
- (7) Performs work for which an asbestos license has not been received.
- (8) Has obtained training from a training provider that does not have approval to offer training for the particular discipline for which the license was received.

~~*These materials have been~~ ***This document is** incorporated by reference. ~~and are available at~~ **Copies may be obtained from** the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-1-7; filed Sep 23, 1988, 1:45 a.m.: 12 IR 272; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2744; filed May 12, 1998, 9:15 a.m.: 21 IR 3754; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata*

filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572; filed Aug 26, 2004, 11:30 a.m.: 28 IR 102)

SECTION 85. 326 IAC 18-1-8 IS AMENDED TO READ AS FOLLOWS:

326 IAC 18-1-8 License requirements for contractors performing asbestos projects

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 8. The following requirements shall apply to the implementation of all asbestos projects at a facility:

- (1) Each asbestos contractor is required to have at least one (1) licensed asbestos project supervisor, responsible for direct supervision of workers, in the work area of the asbestos project during removal, encapsulation, enclosure, stripping, repair, and work area decontamination activities. Asbestos workers must have access to the asbestos project supervisor(s) throughout the duration of the asbestos project.
- (2) Each asbestos contractor shall ensure that the current:
 - (A) certificate of accreditation and photographic identification card; or
 - (B) asbestos license;
 belonging to each project supervisor and worker is kept on the job site during all asbestos projects. The certificate of accreditation and photographic identification card or asbestos license shall be kept outside the work area and shall be available for inspection by the department.
- (3) A person employed by the asbestos contractor, or a partner or subsidiary entity thereof, implementing an asbestos project shall not, for the purposes of fulfilling the requirements of 40 CFR 763.90* of the Asbestos-Containing Material in Schools Rule, collect or analyze air samples for determining the completion of that asbestos project.

***This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 18-1-8; filed Sep 23, 1988, 1:45 p.m.: 12 IR 273; filed Dec 5, 1990, 3:40 p.m.: 14 IR 614; filed May 12, 1998, 9:15 a.m.: 21 IR 3755; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 103*)

SECTION 86. 326 IAC 18-2-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 18-2-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 2. The following definitions apply throughout this rule:
 (1) "Approved initial training course" means a course

approved by the department under this rule, for purposes of providing initial training to persons to become licensed.

(2) "Approved refresher training course" means a course approved by the department under this rule, for purposes of providing refresher training to licensed persons.

(3) "Asbestos" means the asbestiform varieties of the following:

- (A) Chrysotile (serpentine).
- (B) Crocidolite (riebeckite).
- (C) Amosite (cummingtonite-grunerite).
- (D) Anthophyllite.
- (E) Tremolite.
- (F) Actinolite.

(4) "Asbestos-containing material" or "ACM" means asbestos or any material containing more than one percent (1%) asbestos as determined using methods specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy* including Category I and Category II ACM and all friable material.

(5) "Asbestos removal project" means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement, renovation, repair, removal, storage, stripping, dislodging, cutting, or drilling that results in the disturbance or repair of the following:

- (A) At least three (3) linear feet of RACM on or off pipes.
- (B) At least three (3) square feet of RACM on or off other facility components.
- (C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components.

These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by 326 IAC 14-10-4 or 29 CFR 1926.1101* (Occupational Safety and Health Administration Occupational Exposure to Asbestos).

(6) "Day", for purposes of determining duration of approved training courses, means eight (8) hours including breaks and lunch.

(7) "Facility" means any:

- (A) school building;
- (B) institutional, commercial, public, or industrial, building, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units);
- (C) ship; and
- (D) active or inactive waste disposal site.

For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation, or building that was previously subject to 326 IAC 14 is included, regardless of its current use or function.

(8) "Facility component" means any part of a facility, including equipment.

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(9) "Friable", when referring to material at a facility, means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material and includes previously nonfriable material after such nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

(10) "Hands-on training", when referring to a topic covered by a training course, means training which gives students actual experience performing tasks associated with the accredited discipline as follows:

(A) For asbestos contractors, supervisors, workers, and disposal managers, the inclusion of the following:

- (i) Working with asbestos-substitute material.
- (ii) Fitting and using respirators.
- (iii) Use of glove bags.
- (iv) Donning protective clothing.
- (v) Constructing a decontamination unit.
- (vi) Other related abatement work activities.

(B) For asbestos inspectors, the inclusion of the following:

- (i) Simulated building walk-through inspection.
- (ii) Respirator fit testing.

(11) "Licensed", when referring to a person, means a person holding a current asbestos license issued by the department under 326 IAC 18-1 in the following disciplines:

- (A) Inspector.
- (B) Management planner.
- (C) Project designer.
- (D) Asbestos supervisor.
- (E) Asbestos worker.
- (F) Asbestos contractor.
- (G) Waste disposal manager.

(12) "Management plan" means a document prepared under the Asbestos-Containing Materials in Schools Rule that addresses the manner in which ACM will be handled in a school building.

(13) "Nonfriable", when referring to material at a facility, means material which, when dry, may not be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.

(14) "Person" has the meaning set forth in IC 13-11-2-158(a).

(15) "Regulated asbestos-containing material" or "RACM" means the following:

- (A) Friable asbestos material.
- (B) Category I nonfriable ACM that has become friable.
- (C) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, abrading, or burning.
- (D) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this article.

The term does not include nonfriable asbestos-containing resilient floor covering materials unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials include sheet vinyl flooring, resilient tile, or associated adhesives.

(16) "School" means any combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.

(17) "School building" means any of the following:

(A) A structure at a school suitable for use as a classroom, laboratory, library, school eating facility, or facility used for the preparation of food.

(B) A gymnasium or other facility at a school that is specially designed for athletic or recreational activities for an academic course in physical education.

(C) Another facility used by a school for the instruction or housing of students or for the administration of educational or research programs.

(D) A maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).

(E) A portico or covered exterior hallway or walkway that is part of a school.

(F) An exterior portion of a mechanical system used to heat, ventilate, or air condition (HVAC) the interior space of a school.

(18) "Training course provider" means a person who provides an approved initial training course or an approved refresher training course for the purpose of licensing persons under 326 IAC 18-1.

(19) "TSCA Title II" refers to 15 U.S.C. 2641 et seq. of the federal Toxic Substances Control Act as amended on October 22, 1986*.

***These documents are incorporated by reference.** Copies of the Code of Federal Regulations may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-2-2; filed Sep 23, 1988, 1:45 a.m.: 12 IR 273; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2114; filed May 12, 1998, 9:15 a.m.: 21 IR 3756; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572; filed Aug 26, 2004, 11:30 a.m.: 28 IR 103*)

SECTION 87. 326 IAC 18-2-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 18-2-3 Initial training course requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 3. (a) In order to qualify for approval, an asbestos inspector training course shall include a written examination as

outlined in section 5 of this rule and meet the following requirements:

(1) An asbestos inspector training course shall be at least three (3) days in duration and shall include lectures, demonstrations, four (4) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.

(2) An asbestos inspector training course shall adequately address the following topics:

(A) Background information on asbestos to include the following:

(i) The identification of asbestos and examples and discussion of the uses and locations of asbestos in buildings.

(ii) The physical appearance of asbestos.

(B) Potential health effects related to asbestos exposure to include the following:

(i) The nature of asbestos-related diseases.

(ii) Routes of exposure.

(iii) Dose-response relationships and the lack of a safe exposure level.

(iv) The synergistic effect between cigarette smoking and asbestos exposure.

(v) The latency period for asbestos-related diseases.

(vi) A discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.

(C) Functions, qualifications, and role of inspectors to include the following:

(i) Discussion of prior experience and qualifications for inspectors and management planners.

(ii) Discussion of the functions of an accredited inspector as compared to those of an accredited management planner.

(iii) Discussion of the inspection process, including inventory of ACM and physical assessment.

(D) Legal liabilities and defenses to include the following:

(i) Responsibilities of the inspector and management planner.

(ii) A discussion of comprehensive general liability policies, claims-made and occurrence policies, environmental and pollution liability policy clauses.

(iii) State liability insurance requirements.

(iv) Bonding and the relationship of insurance availability to bond availability.

(E) Understanding building systems to include the following:

(i) The interrelationship between building systems, including an overview of common building physical plan layout.

(ii) Heat, ventilation, and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components.

(iii) Building mechanical systems, their types and organi-

zation, and where to look for asbestos on such systems.

(iv) Inspecting electrical systems, including appropriate safety precautions.

(v) Reading blueprints and as-built drawings.

(F) Public, employee, or building occupant relations to include the following:

(i) Notification of employee organizations about the inspection.

(ii) Signs to warn building occupants.

(iii) Tact in dealing with occupants and the press.

(iv) Scheduling of inspections to minimize disruption.

(v) Education of building occupants about actions being taken.

(G) Preinspection planning and review of previous inspection records to include the following:

(i) Scheduling the inspection and obtaining access.

(ii) Building record review.

(iii) Identification of probable homogeneous areas from blueprints or as-built drawings.

(iv) Consultation with maintenance or building personnel.

(v) Review of previous inspection, sampling, and abatement records of a building.

(vi) The role of the inspector in exclusions for previously performed inspections.

(H) Inspecting for friable and nonfriable ACM and assessing the condition of friable ACM to include the following:

(i) Procedures to follow in conducting visual inspections for friable and nonfriable ACM.

(ii) Types of building materials that may contain asbestos.

(iii) Touching materials to determine friability.

(iv) Open return air plenums and their importance in HVAC systems.

(v) Assessing damage, significant damage, potential damage, and potential significant damage.

(vi) Amount of suspected ACM, both in total quantity and as a percentage of the total area.

(vii) Type of damage.

(viii) Accessibility.

(ix) Material's potential for disturbance.

(x) Known or suspected causes of damage or significant damage.

(xi) Deterioration as assessment factors.

(I) Bulk sampling or documentation of asbestos in schools to include the following:

(i) Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (U.S. EPA 560/5-85-030a October 1985)*".

(ii) Techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials.

(iii) Sampling of nonfriable materials.

(iv) Techniques for bulk sampling.

(v) Sampling equipment the inspector should use.

(vi) Patching or repair of damage done in sampling.

(vii) An inspector's repair kit.

(viii) Discussion of polarized light microscopy.

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- (ix) Choosing an accredited laboratory to analyze bulk samples.
 - (x) Quality control and quality assurance procedures.
 - (J) Inspector respiratory protection and personal protective equipment to include the following:
 - (i) Classes and characteristics of respirator types.
 - (ii) Limitations of respirators.
 - (iii) Proper selection, inspection, donning, use, maintenance, and storage procedures for respirators.
 - (iv) Methods for field testing of the facepiece-to-mouth seal (positive and negative pressure fitting tests).
 - (v) Qualitative and quantitative fit testing procedures.
 - (vi) Variability between field and laboratory protection factors.
 - (vii) Factors that alter respirator fit, for example, facial hair.
 - (viii) The components of a proper respiratory protection program.
 - (ix) Selection and use of personal protective clothing.
 - (x) Use, storage, and handling of nondisposable clothing.
 - (K) Record keeping and writing the inspection report to include the following:
 - (i) Labeling of samples and keying sample identification to sampling location.
 - (ii) Recommendations on sample labeling.
 - (iii) Detailing of ACM inventory.
 - (iv) Photographs of selected sampling areas and examples of ACM condition.
 - (v) Information required for inclusion in the management plan by Section 203(i)(1) TSCA Title II.
 - (L) Regulatory review to include the following:
 - (i) National Emission Standards for Hazardous Air Pollutants (NESHAP) found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)*.
 - (ii) U.S. EPA worker protection rule found at 40 CFR 763, Subpart G*.
 - (iii) TSCA Title II*.
 - (iv) Occupational Safety and Health Administration (OSHA) asbestos construction standard found at 29 CFR 1926.1101* (Occupational Safety and Health Administration Occupational Exposure to Asbestos).
 - (v) OSHA respirator requirements found at 29 CFR 1910.134*.
 - (vi) The friable ACM in schools rule found at 40 CFR 763, Subpart E*.
 - (vii) Applicable state and local regulations and differences in federal or state requirements where they apply and the effects, if any, on public and nonpublic schools or commercial or public buildings.
 - (viii) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
 - (M) Field trip comprised of a walk-through inspection to include the following:
 - (i) On-site discussion on information gathering and determination of sampling locations.
 - (ii) On-site practice in physical assessment.
 - (iii) Classroom discussion of field exercise.
 - (N) A course review of the key aspects of the training course.
- (b) In order to qualify for approval, an asbestos management planner training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:
- (1) Verify that each attendee possesses a current and valid inspector training certificate prior to admission to the management planner training course.
 - (2) An asbestos management planner training course shall be at least two (2) days in duration and shall include lectures, demonstrations, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
 - (3) An asbestos management planner training course shall adequately address the following topics:
 - (A) Course overview to include the following:
 - (i) The role of the management planner.
 - (ii) Operations and maintenance programs.
 - (iii) Setting work priorities.
 - (iv) Protection of building occupants.
 - (B) Evaluation and interpretation of survey results to include the following:
 - (i) Review of TSCA Title II* requirements for inspection and management plans as given in Section 203(i)(1) of TSCA Title II*.
 - (ii) Interpretation of field data and laboratory results.
 - (iii) Comparison between field inspector's data sheet with laboratory results and site survey.
 - (C) Hazard assessment to include the following:
 - (i) Amplification of the difference between physical assessment and hazard assessment.
 - (ii) The role of the management planner in hazard assessment.
 - (iii) Explanation of significant damage, damage, potential damage, and potential significant damage.
 - (iv) Use of a description (or decision tree) code for assessment of ACM.
 - (v) Assessment of friable ACM.
 - (vi) Relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.
 - (D) Legal implications to include the following:
 - (i) Liability.
 - (ii) Insurance issues specific to planners.
 - (iii) Liabilities associated with interim control measures and in-house maintenance, repair, and removal.
 - (iv) Use of results from previously performed inspections.
 - (E) Evaluation and selection of control options to include the following:

- (i) Overview of encapsulation, enclosure, interim operations and maintenance, and removal.
 - (ii) Advantages and disadvantages of each method.
 - (iii) Response actions described via a decision tree or other appropriate method.
 - (iv) Work practices for each asbestos project.
 - (v) Staging and prioritizing of work in both vacant and occupied buildings.
 - (vi) The need for containment barriers and decontamination in asbestos projects.
- (F) Role of other professionals to include the following:
- (i) Use of industrial hygienists, engineers, and architects in developing technical specifications for asbestos projects.
 - (ii) Any requirements that may exist for architect sign-off of plans.
 - (iii) Team approach to design of high quality job specifications.
- (G) Developing an operations and maintenance plan to include the following:
- (i) Purpose of the plan.
 - (ii) Discussion of applicable U.S. EPA guidance documents.
 - (iii) What actions should be taken by custodial staff.
 - (iv) Proper cleaning procedures.
 - (v) Steam cleaning and high efficiency particulate aerosol (HEPA) vacuuming.
 - (vi) Reducing disturbance of ACM.
 - (vii) Scheduling operations and maintenance for off-hours.
 - (viii) Rescheduling or canceling renovation in areas with ACM.
 - (ix) Boiler room maintenance.
 - (x) Disposal of ACM.
 - (xi) In-house procedures for ACM-bridging and penetrating encapsulants.
 - (xii) Pipe fittings.
 - (xiii) Metal sleeves.
 - (xiv) Polyvinyl chloride (PVC), canvas, and wet wraps.
 - (xv) Muslin with straps.
 - (xvi) Fiber mesh cloth.
 - (xvii) Mineral wool and insulating cement.
 - (xviii) Discussion of employee protection programs and staff training.
 - (xix) Case study in developing an operations and maintenance plan (development, implementation process, and problems that have been experienced).
- (H) Regulatory review to include the following:
- (i) OSHA asbestos construction standard found at 29 CFR 1926.1101* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
 - (ii) The NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)*.
 - (iii) U.S. EPA worker protection rule found at 40 CFR 763, Subpart G*.
 - (iv) TSCA Title II*.
 - (v) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
- (I) Record keeping for the management planner to include the following:
- (i) Use of field inspector's data sheet along with laboratory results.
 - (ii) Ongoing record keeping as a means to track asbestos disturbance.
 - (iii) Procedures for record keeping.
- (J) Assembling and submitting the management plan to include the following:
- (i) Plan requirements in TSCA Title II, Section 203(i)(1)*.
 - (ii) The management plan as a planning tool.
- (K) Financing abatement action to include the following:
- (i) Economic analysis and cost estimates.
 - (ii) Development of cost estimates.
 - (iii) Present costs of abatement versus future operations and maintenance costs.
 - (iv) Grants and loans under the Asbestos School Hazard Abatement Act (20 U.S.C. 4011 et seq.)*.
- (L) A course review of the key aspects of the training course.
- (c) In order to qualify for approval, an asbestos project designer training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:
- (1) An asbestos project designer training course shall be at least three (3) days in duration and shall include lectures, demonstrations, a field trip, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
 - (2) An asbestos project designer training course shall adequately address the following topics:
 - (A) Background information on asbestos to include the following:
 - (i) Identification of asbestos.
 - (ii) Examples and discussion of the uses and locations of asbestos in buildings.
 - (iii) Physical appearance of asbestos.
 - (B) Potential health effects related to asbestos exposure to include the following:
 - (i) Nature of asbestos-related diseases.
 - (ii) Routes of exposure.
 - (iii) Dose-response relationships and the lack of a safe exposure level.
 - (iv) The synergistic effect between cigarette smoking and asbestos exposure.
 - (v) The latency period of asbestos-related diseases.
 - (vi) A discussion of the relationship between asbestos

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- exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.
- (C) Overview of abatement construction projects to include the following:
- (i) Abatement as a portion of a renovation project.
 - (ii) OSHA requirements for notification of other contractors on a multiemployer site 29 CFR 1926.1101* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
- (D) Safety system design specifications to include the following:
- (i) Design, construction, and maintenance of containment barriers and decontamination enclosure systems.
 - (ii) Positioning of warning signs.
 - (iii) Electrical and ventilation system lock-out.
 - (iv) Proper working techniques for minimizing fiber release.
 - (v) Entry and exit procedures for the work area.
 - (vi) Use of wet methods.
 - (vii) Use of negative pressure exhaust ventilation equipment.
 - (viii) Use of HEPA vacuums.
 - (ix) Proper cleanup and disposal of asbestos.
 - (x) Work practices as they apply to encapsulation, enclosure, and repair.
 - (xi) Use of glove bags and a demonstration of glove bag use.
 - (xii) Proper techniques for initial cleaning.
- (E) Field trip comprised of a visit to an abatement site or other suitable building site, including on-site discussions of abatement design, and building walk-through inspection, including discussion of rationale for the concept of functional spaces during the walk-through.
- (F) Employee personal protective equipment to include the following:
- (i) Classes and characteristics of respirator types.
 - (ii) Limitations of respirators.
 - (iii) Proper selection, inspection, donning, use, maintenance, and storage procedures.
 - (iv) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - (v) Qualitative and quantitative fit testing procedures.
 - (vi) Variability between field and laboratory protection factors.
 - (vii) Factors that alter respirator fit, for example, facial hair.
 - (viii) Components of a proper respiratory protection program.
 - (ix) Selection and use of personal protective clothing.
 - (x) Use, storage, and handling of nondisposable clothing.
- (G) Additional safety hazards encountered during abatement activities and how to deal with them, including the following:
- (i) Electrical hazards.
 - (ii) Heat stress.
 - (iii) Air contaminants other than asbestos.
 - (iv) Fire and explosion hazards.
- (H) Fiber aerodynamics and control to include the following:
- (i) Aerodynamic characteristics of asbestos fibers.
 - (ii) Importance of proper containment barriers.
 - (iii) Settling time for asbestos fibers.
 - (iv) Wet methods in abatement.
 - (v) Aggressive air monitoring following abatement.
 - (vi) Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.
- (I) Designing abatement solutions to include the following:
- (i) Discussions of removal, enclosure, and encapsulation methods.
 - (ii) Asbestos waste disposal.
- (J) Final clearance process to include the following:
- (i) Discussion of the need for a written sampling rationale for aggressive final air clearance.
 - (ii) Requirements of a complete visual inspection.
 - (iii) The relationship of the visual inspection to final air clearance.
- (K) Budgeting and cost estimation to include the following:
- (i) Development of cost estimates.
 - (ii) Present cost of abatement versus future operations and maintenance costs.
 - (iii) Setting priorities for abatement jobs to reduce costs.
- (L) Writing abatement specifications to include the following:
- (i) Preparation of and need for a written project design.
 - (ii) Means and methods specifications versus performance specifications.
 - (iii) Design of abatement in occupied buildings.
 - (iv) Modification of guide specifications to a particular building.
 - (v) Worker and building occupant health and medical considerations.
 - (vi) Replacement of ACM with nonasbestos substitutes.
- (M) Preparing abatement drawings to include the following:
- (i) Significance and need for drawings.
 - (ii) Use of as-built drawings.
 - (iii) Use of inspection photographs and on-site reports.
 - (iv) Methods of preparing abatement drawings.
 - (v) Diagramming containment barriers.
 - (vi) Relationship of drawings to design specifications.
 - (vii) Particular problems in abatement drawings.
- (N) Contract preparation and administration.
- (O) Legal liabilities and defenses to include the following:
- (i) Insurance considerations.
 - (ii) Bonding.
 - (iii) Hold harmless clauses.
 - (iv) Use of abatement contractor's liability insurance.
 - (v) Claims-made versus occurrence policies.
- (P) Replacement of asbestos with asbestos-free substitutes.
- (Q) Role of other consultants to include the following:
- (i) Development of technical specification sections by industrial hygienists or engineers.

- (ii) The multidisciplinary team approach to abatement design.
 - (R) Occupied buildings to include the following:
 - (i) Special design procedures required in occupied buildings.
 - (ii) Education of occupants.
 - (iii) Extra monitoring recommendations.
 - (iv) Staging of work to minimize occupant exposure.
 - (v) Scheduling of renovation to minimize exposure.
 - (S) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards, including, but not limited to, the following:
 - (i) Requirements of TSCA Title II*.
 - (ii) The NESHAP, found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)*.
 - (iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134*.
 - (iv) EPA worker protection rule found at 40 CFR 763, Subpart G*.
 - (v) OSHA asbestos construction standard found at 29 CFR 1926.1101* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
 - (vi) OSHA hazard communication standard found at 29 CFR 1926.59*.
 - (vii) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [*329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.*], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
 - (T) A course review of the key aspects of the training course.
- (d) In order to qualify for approval, an asbestos project supervisor or contractor training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:
- (1) An asbestos project supervisor or contractor training course shall be at least five (5) days in duration and shall include lectures, demonstrations, at least fourteen (14) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
 - (2) An asbestos project supervisor or contractor training course shall adequately address the following topics:
 - (A) Physical characteristics of asbestos and ACM to include the following:
 - (i) Identification of asbestos.
 - (ii) Aerodynamic characteristics.
 - (iii) Typical uses.
 - (iv) Physical appearance.
 - (v) A review of hazard assessment considerations.
 - (vi) A summary of abatement control options.
 - (B) Potential health effects related to asbestos exposure to include the following:
 - (i) Nature of asbestos-related diseases.
 - (ii) Routes of exposure.
 - (iii) Dose-response relationships and the lack of a safe exposure level.
 - (iv) Synergism between cigarette smoking and asbestos exposure.
 - (v) Latency period for diseases.
 - (C) Employee personal protective equipment to include the following:
 - (i) Classes and characteristics of respirator types.
 - (ii) Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
 - (iii) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - (iv) Qualitative and quantitative fit testing procedures.
 - (v) Variability between field and laboratory protection factors.
 - (vi) Factors that alter respirator fit, for example, facial hair.
 - (vii) The components of a proper respiratory protection program.
 - (viii) Selection and use of personal protective clothing.
 - (ix) Use, storage, and handling of nondisposable clothing.
 - (x) Regulations covering personal protective equipment.
 - (D) State-of-the-art work practices to include the following:
 - (i) Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
 - (ii) Positioning of warning signs.
 - (iii) Electrical and ventilation system lock-out.
 - (iv) Proper working techniques for minimizing fiber release.
 - (v) Use of wet methods.
 - (vi) Use of negative pressure exhaust ventilation equipment.
 - (vii) Use of HEPA vacuums.
 - (viii) Proper clean-up and disposal procedures.
 - (ix) Work practices for removal, encapsulation, enclosure, and repair of ACM.
 - (x) Emergency procedures for unplanned releases.
 - (xi) Potential exposure situations.
 - (xii) Transport and disposal procedures.
 - (xiii) Recommended and prohibited work practices.
 - (xiv) New abatement-related techniques and methodologies.
 - (E) Personal hygiene to include the following:
 - (i) Entry and exit procedures for the work area.
 - (ii) Use of showers.
 - (iii) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
 - (iv) Potential exposures, such as family exposure, shall also be included.
 - (F) Hazards encountered during abatement activities and how to deal with them, including the following:

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- (i) Electrical hazards.
 - (ii) Heat stress.
 - (iii) Air contaminants other than asbestos.
 - (iv) Fire and explosion hazards.
 - (v) Scaffold and ladder hazards.
 - (vi) Slips, trips, and falls.
 - (vii) Confined spaces.
- (G) Medical monitoring to include the following:
- (i) OSHA requirements for a pulmonary function test.
 - (ii) Chest x-ray and a medical history for each employee.
- (H) Air monitoring procedures to determine airborne concentrations of asbestos fibers to include the following:
- (i) A description of aggressive sampling.
 - (ii) Sampling equipment and methods.
 - (iii) Reasons for air monitoring.
 - (iv) Types of samples.
 - (v) Interpretation of results, specifically from analyses performed by polarized light, phase-contrast, and electron microscopy.
- (I) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards to include the following:
- (i) Requirements of TSCA Title II*.
 - (ii) NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)*.
 - (iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134*.
 - (iv) OSHA asbestos construction standard found at 29 CFR 1926.1101* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
 - (v) EPA worker protection rule found at 40 CFR 763, Subpart G*.
 - (vi) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [*329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.*], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
- (J) Respiratory protection programs and medical surveillance programs.
- (K) Insurance and liability issues to include the following:
- (i) Contractor issues.
 - (ii) Workers' compensation coverage and exclusions.
 - (iii) Third-party liabilities and defenses.
 - (iv) Insurance coverage and exclusions.
- (L) Record keeping for asbestos abatement projects to include the following:
- (i) Records required by federal, state, and local regulations.
 - (ii) Records recommended for legal and insurance purposes.
- (M) Supervisory techniques for asbestos abatement activities to include supervisory practices which enforce and reinforce the required work practices and discourage unsafe work practices.
- (N) Contract specifications to include a discussion of key elements that are included in contract specifications.
- (O) A course review of the key aspects of the training course.
- (e) In order to qualify for approval, an asbestos worker training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:
- (1) An asbestos worker training course shall be at least four (4) days in duration and shall include lectures, demonstrations, at least fourteen (14) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
 - (2) An asbestos worker training course shall adequately address the following topics:
 - (A) Physical characteristics of asbestos to include the following:
 - (i) Identification of asbestos.
 - (ii) Aerodynamic characteristics.
 - (iii) Typical uses.
 - (iv) Physical appearance.
 - (v) A summary of abatement control options.
 - (B) Potential health effects related to asbestos exposure to include the following:
 - (i) Nature of asbestos-related diseases.
 - (ii) Routes of exposure.
 - (iii) Dose-response relationships and the lack of a safe exposure level.
 - (iv) Synergism between cigarette smoking and asbestos exposure.
 - (v) Latency period for diseases.
 - (vi) Discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.
 - (C) Employee personal protective equipment to include the following:
 - (i) Classes and characteristics of respirator types.
 - (ii) Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
 - (iii) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - (iv) Qualitative and quantitative fit testing procedures.
 - (v) Variability between field and laboratory protection factors.
 - (vi) Factors that alter respirator fit, for example, facial hair.
 - (vii) The components of a proper respiratory protection program.
 - (viii) Selection and use of personal protective clothing, use, storage, and handling of nondisposable clothing.
 - (ix) Regulations covering personal protective equipment.
- (D) State-of-the-art work practices to include the following:
- (i) Proper asbestos abatement activities, including de-

- criptions of proper construction and maintenance of barriers and decontamination enclosure systems.
- (ii) Positioning of warning signs.
- (iii) Electrical and ventilation system lock-out.
- (iv) Proper working techniques for minimizing fiber release.
- (v) Use of wet methods.
- (vi) Use of negative pressure ventilation equipment.
- (vii) Use of HEPA vacuums.
- (viii) Proper clean-up and disposal procedures.
- (ix) Work practices for removal, encapsulation, enclosure, and repair.
- (x) Emergency procedures for sudden releases.
- (xi) Potential exposure situations.
- (xii) Transport and disposal procedures.
- (xiii) Recommended and prohibited work practices.
- (E) Personal hygiene to include the following:
 - (i) Entry and exit procedures for the work area.
 - (ii) Use of showers.
 - (iii) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
 - (iv) Potential exposures, such as family exposure.
- (F) Hazards encountered during abatement activities and how to deal with them, including the following:
 - (i) Electrical hazards.
 - (ii) Heat stress.
 - (iii) Air contaminants other than asbestos.
 - (iv) Fire and explosion hazards.
 - (v) Scaffold and ladder hazards.
 - (vi) Slips, trips, and falls.
 - (vii) Confined spaces.
- (G) Medical monitoring to include the following:
 - (i) OSHA and U.S. EPA requirements for a pulmonary function test.
 - (ii) Chest x-rays and a medical history for each employee.
- (H) Air monitoring to include procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.
- (I) Relevant federal, state, and local regulatory requirements, procedures, and standards with particular attention directed at relevant U.S. EPA, OSHA, and state regulations concerning asbestos abatement workers with a discussion of procedures and standards to include the following:
 - (i) Requirements of TSCA Title ~~H**~~-II*.
 - (ii) NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)*.
 - (iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134*.
 - (iv) OSHA asbestos construction standard found at 29 CFR 1926.1101*.
 - (v) EPA worker protection rule found at 40 CFR 763, Subpart G*.
 - (vi) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC

10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

- (J) Establishment of respiratory protection programs.
- (K) A course review of the key aspects of the training course.

*These materials have been documents are incorporated by reference. and are available at Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 18-2-3; filed Sep 23, 1988, 1:45 p.m.: 12 IR 1250; filed Jul 6, 1989, 1:15 p.m.: 12 IR 2028; errata filed Jul 18, 1989, 5:00 p.m.: 12 IR 2286; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2116; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2745; errata filed Jul 5, 1995, 10:00 a.m.: 18 IR 2795; filed May 12, 1998, 9:15 a.m.: 21 IR 3758; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572; filed Aug 26, 2004, 11:30 a.m.: 28 IR 104)

SECTION 88. 326 IAC 18-2-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 18-2-6 Initial and refresher training courses; qualifications for approval

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6
Affected: IC 13-11-2-158; IC 13-17

Sec. 6. Persons wishing to obtain approval of a training course shall do the following:

- (1) Ensure that the training course meets or exceeds the applicable requirements of sections 3 through 5 of this rule.
- (2) Issue numbered certificates to students who attend the training course and successfully pass the examination. The certificate shall indicate the following:
 - (A) Name of accredited person.
 - (B) Discipline of the training course completed.
 - (C) Dates of the training course.
 - (D) Date of the examination.
 - (E) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
 - (F) The name, address, and telephone number of the training provider who issued the certificate.
 - (G) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title ~~H**~~-II*.
 - (H) A statement that the training course meets requirements as outlined by the state of Indiana under this rule.
- (3) Ensure that only instructors who meet the requirements under section 10.1 of this rule are used to teach the training course.

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(4) Allow the department to attend, evaluate, and monitor any training course without charge to the department. The department is not required to give advanced notice of such an inspection.

(5) Ensure that each initial and refresher training course offered be specific to a single discipline and not combined with training for any other discipline.

(6) The providers of refresher training courses shall verify that students possess valid initial and, as necessary, refresher training before granting course admission. Those providers offering the initial management planner training course shall verify that students have met the prerequisite of possessing the appropriate initial inspector course at the time of course admission.

(7) Ensure that all requirements for training students will be met in the event that:

(A) the instructor does not speak a language understood by all students; or

(B) the course materials are not in a language understood by all students.

***This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 18-2-6; filed Sep 23, 1988, 1:45 a.m.: 12 IR 280; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2753; filed May 12, 1998, 9:15 a.m.: 21 IR 3766; filed Aug 26, 2004, 11:30 a.m.: 28 IR 111)**

SECTION 89. 326 IAC 18-2-7 IS AMENDED TO READ AS FOLLOWS:

326 IAC 18-2-7 Initial and refresher training courses; application for approval

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 7. (a) Any training course provider seeking approval of an initial training course by the department shall complete the following:

(1) Submit a completed application on forms provided by the department.

(2) Demonstrate whether the course currently has full or contingent approval by the U.S. Environmental Protection Agency or by a state under an accreditation program approved by the U.S. Environmental Protection Agency and submit evidence of such approval.

(3) Provide the following information:

(A) The training course provider's name, address, telephone number, and primary contact person.

(B) The name of the training course.

(C) The course curriculum.

(D) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of sections 3 through 5 of this rule, including the following information:

(i) Length of training in days.

(ii) Amount and type of hands-on training.

(iii) Examinations (length, format, and passing score).

(iv) Topics covered in the course.

(E) Provide a copy of all course materials (student manuals, instructor notebooks, handouts, etc.).

(F) Provide a detailed statement about the development of the examinations and a copy of the examinations used in the course.

(G) Provide the names and qualifications of course instructors (including academic credentials and field experience in asbestos abatement).

(H) Provide a description and an example of numbered certificates issued to students who complete the course and pass the examination with the following:

(i) Name of accredited person.

(ii) Discipline of the training course completed.

(iii) Dates of the training course.

(iv) Date of the examination.

(v) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.

(vi) The name, address, and telephone number of the training provider who issued the certificate.

(vii) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II*.

(viii) A statement that the training course meets requirements as outlined by Indiana under this rule.

(I) Provide a list of all states, both U.S. EPA approved and nonapproved states, in which the course has received full or contingent approval.

(J) Provide a detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:

(i) the instructor does not speak a language understood by all students; or

(ii) the course materials are not in a language understood by all students.

(4) Pay the asbestos training course provider application fees as specified in section 12 of this rule.

(b) Any training course provider seeking approval of a refresher training course by the department shall complete the following:

(1) Submit a completed application on forms provided by the department.

(2) Demonstrate whether the course currently has full or contingent approval by the U.S. Environmental Protection Agency or by a state under an accreditation program approved by the U.S. Environmental Protection Agency and submit evidence of such approval.

- (3) Provide the following information:
- (A) The training course provider's name, address, telephone number, and primary contact person.
 - (B) The name of the training course.
 - (C) The course curriculum.
 - (D) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of sections 3 through 5 of this rule, including the following information:
 - (i) Length of training in days.
 - (ii) Amount and type of hands-on training.
 - (iii) Examinations (length, format, and passing score).
 - (iv) Topics covered in the course.
 - (E) Provide a copy of all course materials (student manuals, instructor notebooks, handouts, etc.).
 - (F) Provide a detailed statement about the development of the examination and a copy of the examination used in the course.
 - (G) Provide the names and qualifications of course instructors (including academic credentials and field experience in asbestos abatement).
 - (H) Provide a description and an example of numbered certificates issued to students who complete the course and pass the examination with the following:
 - (i) Name of accredited person.
 - (ii) Discipline of the training course completed.
 - (iii) Dates of the training course.
 - (iv) Date of the examination.
 - (v) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
 - (vi) The name, address, and telephone number of the training provider who issued the certificate.
 - (vii) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II*.
 - (viii) A statement that the training course meets requirements as outlined by the state of Indiana under this rule.
 - (I) Provide a list of all states (both U.S. EPA approved and nonapproved states) in which the course has received full or contingent approval.
 - (J) Provide a detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:
 - (i) the instructor does not speak a language understood by all students; or
 - (ii) the course materials are not in a language understood by all students.
- (4) Pay the asbestos training course provider application fee as specified in section 12 of this rule.
- (c) A training course provider shall notify the department in writing within thirty (30) days whenever there is a significant change in the course curriculum, instructional staff, or primary contact person.

(d) The department shall review the application and shall make a determination as to the eligibility of the training course. The department shall issue a letter of approval to any training course provider, providing an approved initial training course or an approved refresher training course, who fulfills the requirements of this rule. The department may disapprove any training course which fails to meet the requirements of this rule.

(e) A letter of approval shall be valid for one (1) year from the date of issuance.

***This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 18-2-7; filed Sep 23, 1988, 1:45 p.m.: 12 IR 280; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2125; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2754; filed May 12, 1998, 9:15 a.m.: 21 IR 3767; filed Aug 26, 2004, 11:30 a.m.: 28 IR 112*)

SECTION 90. 326 IAC 22-1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 22-1-1 Incorporation of federal regulations

Authority: IC 13-14; IC 13-17-3

Affected: IC 13-11

Sec. 1. (a) The air pollution control board incorporates by reference the provisions of 40 CFR 82* for purposes of implementing the stratospheric ozone protection program that meets the requirements of Title VI of the Clean Air Act with respect to sources operating pursuant to a Part 70 permit.

(b) The term "permitting authority" shall mean the commissioner of the department of environmental management, and the term "administrator" shall mean the administrator of the United States Environmental Protection Agency.

(c) If the provisions or requirements of 40 CFR 82* conflict with or are not included in 326 IAC 2-7, the provisions and requirements of 40 CFR 82* shall apply and take precedence.

***This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 22-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2283; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572; filed Aug 26, 2004, 11:30 a.m.: 28 IR 113*)

SECTION 91. 326 IAC 23-1-31 IS AMENDED TO READ AS FOLLOWS:

326 IAC 23-1-31 “Hazardous waste” defined

Authority: IC 13-17-14-5

Affected: IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 31. “Hazardous waste” means any waste as defined in 40 CFR 261.3* or 329 IAC 3.1.

***This document is incorporated by reference.** Copies of Title 40 of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402. Copies of pertinent sections 20401 or are also available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 23-1-31; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 26, 2004, 11:30 a.m.: 28 IR 114)

SECTION 92. 326 IAC 14-1-4 IS REPEALED.

LSA Document #02-337(F)

Proposed Rule Published: March 1, 2003; 26 IR 1996

Hearing Held: June 2, 2004

Approved by Attorney General: August 10, 2004

Approved by Governor: August 24, 2004

Filed with Secretary of State: August 26, 2004, 11:30 a.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: **2002 Code of Federal Regulations:** 40 CFR Parts 1-49; 40 CFR Parts 50-51; 40 CFR Part 52 (Sec. 52.01-52.1018); 40 CFR Part 52 (Sec. 52.1019-END); 40 CFR Parts 53-59; 40 CFR Part 60; 40 CFR Parts 61-62; 40 CFR Part 63 (Sec. 63.1-63.1199); 40 CFR Part 63 (Sec. 1200-END); 40 CFR Parts 64-71; 40 CFR Parts 72-80; 40 CFR Parts 81-85; 40 CFR Part 86; 40 CFR Part 88; 40 CFR Part 93; 40 CFR Parts 260-265; 40 CFR Parts 266-299; 40 CFR Parts 700-789; 29 CFR Parts 1900-1910; 29 CFR Parts 1926.

Supplements to the Fifth Edition of AP-42 “Compilations of Air Pollutant Emission Factors Volume I: Stationary Point and Area Sources”: Update 2001: Section 11.12; Section 1.6; Section 11.1; Update 2002: Section 10.9; Section 13.2.1; Section 10.6.4; Section 10.6.3; Section 10.6.2; Section 10.6.1; Section 10.5.

ASTM Methods: ASTM D129, “Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)”; ASTM D240-92, “Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels; by Bomb Calorimeter”; ASTM D323-82, “Standard Test Methods for Vapor Pressure of Petroleum Products (Reid Method)”; ASTM D323-94, “Standard Test Methods for Vapor Pressure of Petroleum Products (Reid Method)”; ASTM D388, “Standard Classification of Coals by Rank”; ASTM D396-92, “Standard Specifications for

Fuel Oils”; ASTM D1266-91, “Standard Test Method for Sulfur in Petroleum Products (Lamp Method)”; ASTM D1475, “Standard test method for density of paint, varnish, lacquer, and related products”; ASTM D1552, “Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method)”; ASTM D2015-95, “Standard Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter”; ASTM D2369-87, “Standard test method for volatile content of a coating”; ASTM D2372-85, “Standard method of separation of vehicle from solvent-reducible paints”; ASTM D2622, “Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry”; ASTM D2697-86, “Standard test method for volume nonvolatile matter in clear or pigmented coatings”; ASTM Method D2879, “Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope”; ASTM D3177-89, “Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke”; ASTM D3286-91A, “Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter”; ASTM D3792-86, “Standard test method for water content of water-reducible paints by direct injection into a gas chromatograph”; ASTM D3925, “Standard practice for sampling liquid paints and related pigment coatings”; ASTM D3980, “Standard practice for interlaboratory testing of paint and related materials”; ASTM D4017, “Standard test method for water content in paints and paint materials by the Karl Fischer method”; ASTM D4057, “Standard Practice for Manual Sampling of Petroleum and Petroleum Products”; ASTM D4239-94, “Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods”; ASTM D4457-85, “Standard test method for determination of dichloromethane and 1, 1, 1, trichloroethane in paints and coatings by direct injection into a gas chromatograph”*. This method may be used to develop protocols for any compound specifically exempted from the definition of volatile organic compound; ASTM D5190, “Standard Test Method for Vapor Pressure of Petroleum Products (Automatic Method)”; ASTM D5191, “Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method)”; ASTM D5482, “Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method-Atmospheric)”; ASTM E180-85, “Practice for determining the precision data of ASTM methods for analysis of and testing of industrial chemicals”; ASTM E300, “Standard practice for sampling industrial chemicals”.

EPA Guidance Documents: EPA 340/1-80-012, “Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations”; EPA 340/1-86-016, “A Guide for Surface Coating Calculation”; EPA 340/1-88-004, “A Guideline for Graphic Arts Calculations”, June 1988; EPA 450/2-77-026, “Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals”; EPA 450/2-78-047, “Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks”; EPA 450/3-84-019, “Procedures for Certifying

Quantity of Volatile Organic Compounds Emitted by Paints, Ink, and Other Coatings” (revised June 1986); EPA 450/3-88-018, “Protocol for Determining the Daily VOC Emission Rate of Automobile and Light Duty Truck Topcoat Operations”, December 1988; EPA 450/3-91-022b, “Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities”; EPA 560/5-85-030a, “Simplified Sampling Scheme for Friable Surfacing Materials (October 1985)”; EPA 905/2-78-001, “Regulatory Guidance for Control of Volatile Organic Compound Emissions from 15 Categories of Stationary Sources”, Section XX.9404, pages 48 and 49.

Miscellaneous Documents: Figures 17A and 17B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994*; Figures 18A and 18B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994*; page D-146, Vapor Pressures, Critical Temperatures, and Critical Pressures of Organic Compounds, Handbook of Chemistry and Physics, 51st Edition, 1970-1971, Chemical Rubber Company*; High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications*; IDEM’s Quality Assurance Manual, Chapter 20 (dated June 20, 1997)**; Chauvenet’s Criterion at Page I-7 in “Guide to Statistical Problem Solving” prepared for U.S. EPA, Research Triangle Park, North Carolina, under contract number 68-02-1505, June 1975*; Federal Power Act*; Section 123 of the CAA*; Section 182(f) of the CAA*; Section 207 of the CAA*; Section 3005 of the Solid Waste Disposal Act (U.S. Title 42, Chapter 82, Sec.6925)*; “TSCA Title II” refers to 15 U.S.C. 2641 et seq. of the federal Toxic Substances Control Act as amended on October 22, 1986*.

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #03-195(F)

DIGEST

Amends 326 IAC 6-1-13 and 326 IAC 7-4-3 to delete references to boilers and associated emission limitations no longer in use. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: August 1, 2003, Indiana Register (26 IR 3757).

Second Notice of Comment Period and Notice of First Hearing: December 1, 2003, Indiana Register (27 IR 948).

Date of First Hearing: March 3, 2004.

Notice of Second Hearing: April 1, 2004, Indiana Register (27 IR 2317).

Date of Second Hearing: June 2, 2004.

326 IAC 6-1-13

326 IAC 7-4-3

SECTION 1. 326 IAC 6-1-13 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-13 Vigo County

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 13. In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Vigo County:

VIGO COUNTY

Source	East Km	North Km	Process	Emission Limits		
				tons/yr+	lbs/million BTU	other units
Alcan	466.23	4376.07	No. 2 Melter	49.3		3 lb/ton
	466.23	4376.06	No. 3 Melter	49.3		3 lb/ton
	466.23	4376.05	No. 4 Melter	49.3		3 lb/ton
	466.23	4376.04	No. 5 Melter	144.5		3 lb/ton
	466.23	4376.03	No. 6 Melter	144.5		3 lb/ton
	466.23	4376.09	No. 7 Melter	184.0		3 lb/ton
	Terre Haute Grain	465.89	4365.42	Unloading	45.9	
465.87		4365.40	Loading	22.9		
465.85		4365.39	Bin Unloading	76.1		
465.89		4365.37	Drying	10.1		
Gartland Foundry	464.54	4365.81	Cupola	112.5		.15 gr/dscf
Colombian Home Products	455.36	4370.89	No. 1 & 2 Boilers	69.0	.35	
			(1 stack)			
Graham Grain	464.21	4365.73	Drying	1.7		Good housekeeping as defined by 326 IAC 6-1-13 this rule and the board or its designated agent.
	464.21	4365.81	Handling	16.0		

Final Rules

Indiana Gas & Chemical	465.88	4366.27	4 Boilers	61.6	.15	
	465.92	4366.30	Coal Unloading	38.6		Comply with 326 IAC 11-3
	465.91	4366.24	Quenching	86.9		Comply with 326 IAC 11-3
	465.91	4366.32	No. 1 Charging & Coking	77.2		Comply with 326 IAC 11-3
	465.91	4366.32	No. 4 Pushing	2.2		.04 lb/ton of coke
	465.89	4366.35	No. 1 Underfire Stack	7.0		.03 gr/dscf
	465.91	4366.29	No. 2 Charging & Coking	77.2		Comply with 326 IAC 11-3
	465.91	4366.29	No. 2 Pushing	2.2		.04 lb/ton of coke
	465.91	4366.27	No. 2 Underfire Stack	7.0		.03 gr/dscf
	ISU	465.03	4369.14	No. 2 & 3 Boilers (1 stack)	207.5	.35
465.03		4369.14	No. 5 Boiler (1 stack)	232.4	.35	
465.04		4369.13	No. 4 Boiler	57.5	.15	
J.I. Case	466.32	4375.13	No. 1 & 2 Boilers (1 stack)	308.3	.68	
Martin Marietta	459.30	4360.60	Gravel Pit	86.7		Comply with 326 IAC 6-4 and good housekeeping as defined in 326 IAC 6-4 this rule and by the board or its designated agent.
Pfizer	464.06	4356.54	No. 6 & 7 Boilers	92.0	.15	
	464.06	4356.57	No. 5 Boiler	57.2	.15	
	464.65	4356.39	D Boiler	7.9	.15	
PSI	463.58	4375.20	Units 1-6	4102.3	0.1338	
Rose Hulman	472.19	4370.38	No. 1 Boiler	49.3	.6	
Sisters of Providence	460.48	4373.41	No. 2 & 3 Boilers	89.9		20.52 lb/hr
	460.50	4373.42	No. 5, 7 & 8 Boilers	106.2		24.24 lb/hr
Terre Haute Concrete	465.44	4368.96	Batch Plant No. 1	52.5		Comply with 326 IAC 6-4 and good housekeeping procedures as defined by the board or its designated agent.
	465.44	4368.98	Batch Plant No. 2	48.3		
Terre Haute Malleable United States Penitentiary	4660.50	4371.32	Exhaust Fans	3.8		.15 gr/dscf
United States Penitentiary	461.15	4363.13	No. 1 Boiler	41.1	.15	
	461.15	4363.12	No. 2 Boiler	41.1	.15	
	461.15	4363.11	No. 3 Boiler	41.1	.15	
	462.43	4363.63	Camp Boiler	20.5	.15	
Ulrich Chemical	466.13	4365.39	Soda Ash Handling	4.5		.03 gr/dscf
Wabash Fibre Box	466.57	4370.89	Boiler	16.4	.15	
	466.54	4371.01	Reserve Boiler	55.2	.6	
Wabash Valley Asphalt	468.38	4374.20	North Plant	194.7		Comply with 326 IAC 6-4
	459.30	4360.60	South Plant	315.6		Comply with 326 IAC 6-4
International Paper	463.42	4365.58	No. 1 & 4 Boilers	483.8	.35	
	463.71	4366.00	No. 5 Boiler	61.2	.15	
	463.65	4665.57	Reclaim Furnace	311.0		71 lb/hr

+Compliance shall be acceptable if within 5% of the established emission limit.

(Air Pollution Control Board; 326 IAC 6-1-13; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2480; filed Nov 8, 2001, 2:02 p.m.: 25 IR 754; filed Aug 31, 2004, 2:30 p.m.: 28 IR 115)

SECTION 2. 326 IAC 7-4-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 7-4-3 Vigo County sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 3. The following sources and facilities located in Vigo County shall comply with the sulfur dioxide emission limitations in pounds per million Btu, unless otherwise specified, and other requirements:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>
(1) Alcan Rolled Products Co.	Sol Oil Boiler	0.51
	Foil Mill Boiler	0.51
	Oil Farm Boiler	0.51
	#2 Melter	1.60
	#3 Melter	1.60
	#4 Melter	1.60
	#5 Melter	1.60
	#6 Melter	1.60
	#7 Melter	1.60
	#53 Annealing Furnaces	1.60
(2) Bemis	Boiler	0.51
(3) CBS	#1 WH CB200-200	0.51
	#2 WH CB200-200	0.51
	#1 HC CB293-100	0.51
	#2 HC CB M & W 4000	0.51
	#3 HC CB M & W 4000	0.51
(4) CF Industries	#1 BP Springfield	0.51
	Process Murray Boiler 1	0.52
	Process Murray Boilers 2 and 3	0.52
(5) Digital Audio Disc	#1 Kewanee Boiler	0.36
	#2 Kewanee Boiler	0.36
(6) Doxsee Foods Corp.	Boiler	2.62
(7) General Housewares	Boiler 1A Ladd	6.00
	Boiler 2A Combustion Eng.	6.00
	#5 Enamel Furnace Radiant Tube	0.51
	#6 Enamel Furnace Muffle	0.51
(8) Hercules, Inc.	Murray Iron Works Boiler A	0.51
	Murray Iron Works Boiler B	0.51
	Clayton Boiler (Standby)	0.51
	Nebraska Boiler	0.51
(9) Indiana State University	#2 Voight Boiler	5.64
	#3 Voight Boiler	5.64
	#5 B & W Boiler	5.64
	#4 Murray Boiler	0.37
(10) J.I. Case	No. 1 Riley Boiler	4.74
	No. 2 Riley Boiler	4.74
(11) Pfizer	Boiler 8	3.01
	Boiler 5	2.12
	Boiler 6	2.12
	Boiler 7	2.12
	Animal Health Boiler	1.55

Final Rules

Boiler load on Boiler 5, Boiler 6, or Boiler 7 is restricted to 55.84 million Btu per hour if Boiler 8 is also in operation. Pfizer shall maintain records which contain the actual boiler heat input, based on the average fuel heat content and on the quantity of fuel burned hourly, for any hour in which Boiler 5, Boiler 6, or Boiler 7 is in simultaneous operation with Boiler 8. The records shall be made available to the department or the Vigo County Air Pollution Control Department upon request.

(12) Pillsbury (Terre Haute)	Boiler B	0.36
	Boiler C	2.62
	Boiler D	0.36
(13) Pitman-Moore	#9, #10, and #15 Boilers	4.58
	#16 Boiler	0.36
	East Plant Boiler	0.36
(14) Public Service Indiana Wabash River	Boilers 1, 2, 3, 4, 5, and 6	4.04
(15) Rose-Hulman	#1 Voight Boiler	2.26
	#2 Cleaver Brooks Boiler	0.51
	#4 Cleaver Brooks Boiler	0.51
(16) St. Mary's Sisters of Providence	#2 Voight Boiler	3.84
	#3 B & N Boiler	3.84
	#5 B & N Boiler	3.84
	#7 Voight Boiler	3.84
	#8 Voight Boiler	3.84
(17) Snacktime Company	#1 Boiler	0.52
	#12 Boiler	0.52
	#2, #3, #4, and #6	0.52
	Fryer Oil Heaters	
(18) Terre Haute Coke and Carbon	2 CB Boilers	1.79
	2 Standby Boilers	4.55
	No. 1 CB Underfire Stack	0.63
	No. 2 CB Underfire Stack	0.63
(19) Terre Haute Regional Hospital	#1 Boiler	0.45
	(New) #2 Boiler	0.45
(20) Union Hospital Energy Co.	2 Keeler Boilers	0.36
	3 Cleaver Brooks Boilers	0.36
(21) U.S. Penitentiary	#1, #2, and #3 Boilers	0.51
	2 Honor Farm Boilers	0.51
(22) Wabash Fibre Box	Cleaver Brooks Boiler	2.36
(23) Wabash Products Co.	Boiler	natural gas only
(24) Western Tar	Tar Division, Boiler A	0.36
	Tar Division, Boiler B	0.36
	Wood Division, Boiler A	0.36
	Wood Division, Boiler B	0.36
	Tar Division, Process Still	0.36
(25) Weston Paper	B-1 and B-4 Boilers	4.09
	B-5 Warehouse Boiler	2.62

(Air Pollution Control Board; 326 IAC 7-4-3; filed Aug 28, 1990, 4:50 p.m.: 14 IR 70; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 31, 2004, 2:30 p.m.: 28 IR 117)

LSA Document #03-195(F)

Proposed Rule Published: April 1, 2004; 27 IR 2317

Hearing Held: June 2, 2004

Approved by Attorney General: August 13, 2004

Approved by Governor: August 30, 2004

Filed with Secretary of State: August 31, 2004, 2:30 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #03-284(F)

DIGEST

Adds 326 IAC 20-57 concerning pharmaceuticals production.
 Adds 326 IAC 20-58 concerning amino and phenolic resins.
 Adds 326 IAC 20-59 concerning polyether polyols productions.
 Adds 326 IAC 20-60 concerning solvent extraction for vegetable oil production. Adds 326 IAC 20-61 concerning semicon-

ductor manufacturing. Adds 326 IAC 20-62 concerning refractory products manufacturing. Adds 326 IAC 20-70 concerning secondary aluminum. Effective 30 days after filing with the secretary of state.

HISTORY

IC 13-14-9-7 and Second Notice of Comment Period and Notice of First Public Hearing: November 1, 2003, Indiana Register (27 IR 576).

Date of First Hearing: January 7, 2004.

- 326 IAC 20-57 326 IAC 20-61
- 326 IAC 20-58 326 IAC 20-62
- 326 IAC 20-59 326 IAC 20-70
- 326 IAC 20-60

SECTION 1. 326 IAC 20-57 IS ADDED TO READ AS FOLLOWS:

Rule 57. Pharmaceuticals Production

326 IAC 20-57-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1250 (63 FR 50326, September 21, 1998; 65 FR 52596, August 29, 2000; 66 FR 40131, August 2, 2001)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart GGG (63 FR 50326, September 21, 1998, National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production; 63 FR 50326, September 21, 1998; 65 FR 52596, August 29, 2000, Amendments; 66 FR 40130, August 2, 2001, Corrections and Amendments)*.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-57-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 119)

SECTION 2. 326 IAC 20-58 IS ADDED TO READ AS FOLLOWS:

Rule 58. Amino and Phenolic Resins

326 IAC 20-58-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1400*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart OOO*.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-58-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 119)

SECTION 3. 326 IAC 20-59 IS ADDED TO READ AS FOLLOWS:

Rule 59. Polyether Polyols Production

326 IAC 20-59-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1420*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart PPP*.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-59-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 119)

SECTION 4. 326 IAC 20-60 IS ADDED TO READ AS FOLLOWS:

Rule 60. Solvent Extraction for Vegetable Oil Production

326 IAC 20-60-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.2832* (66 FR 19011, April 12, 2001).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart GGGG* (66 FR 19011, April 12, 2001, National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production).

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*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-60-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 119*)

SECTION 5. 326 IAC 20-61 IS ADDED TO READ AS FOLLOWS:

Rule 61. Semiconductor Manufacturing

326 IAC 20-61-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.7181* (68 FR 27925, May 22, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart BBBBB* (68 FR 27925, May 22, 2003, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-61-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 120*)

SECTION 6. 326 IAC 20-62 IS ADDED TO READ AS FOLLOWS:

Rule 62. Refractory Products Manufacturing

326 IAC 20-62-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.9782* (68 FR 18747, April 16, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart SSSSS* (68 FR 18747, April 16, 2003, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing).

*This document is incorporated by reference. Copies may

be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-62-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 120*)

SECTION 7. 326 IAC 20-70 IS ADDED TO READ AS FOLLOWS:

Rule 70. Secondary Aluminum

326 IAC 20-70-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1500* (67 FR 79815, December 30, 2002).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart RRR* (67 FR 79815, December 30, 2002, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-70-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 120*)

LSA Document #03-284(F)

Proposed Rule Published: February 1, 2004; 27 IR 1618

Hearing Held: May 5, 2004

Approved by Attorney General: August 17, 2004

Approved by Governor: September 1, 2004

Filed with Secretary of State: September 2, 2004, 5:15 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: National Emission Standards for Hazardous Air Pollutants for Source Categories: Pharmaceuticals Production - Final Rule September 21, 1998 (63 FR 50280-50386); National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production - Final Rule August 29, 2000 (65 FR 52588-52616); National Emission Standards for Pharmaceuticals Production August 2, 2001 (66 FR 40121-40137); National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production - Final Rule January 20, 2000 (65 FR 3276-3330); National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production - Final Rule June 1, 1999 (64 FR

29420-29487); *National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil - Final Rule April 12, 2001 (66 FR 19006-19026)*; *National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing - Final Rule May 22, 2003 (68 FR 27913-27931)*; *National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing - Final Rule April 16, 2003 (68 FR 18730-18785)*; *National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production - Final Rule December 30, 2002 (67 FR 79808-79819)*.

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #03-285(F)

DIGEST

Adds 326 IAC 20-63 concerning surface coating of large appliances; 326 IAC 20-64 concerning surface coating of metal coil; 326 IAC 20-65 concerning paper and other web coating; 326 IAC 20-66 concerning flexible polyurethane foam fabrication operations; 326 IAC 20-67 concerning municipal solid waste landfills; 326 IAC 20-68 concerning friction materials manufacturing facilities; and 326 IAC 20-69 concerning polyvinyl chloride and copolymers production. Effective 30 days after filing with the secretary of state.

HISTORY

Second Notice of Comment Period and Notice of First Hearing: November 1, 2003, Indiana Register (27 IR 579).

Change in Notice of First Hearing: January 1, 2004, Indiana Register (27 IR 1195).

Date of First Hearing: March 3, 2004.

Notice of Proposed Rule and Notice of Second Hearing: April 1, 2004 (27 IR 2321).

326 IAC 20-63	326 IAC 20-67
326 IAC 20-64	326 IAC 20-68
326 IAC 20-65	326 IAC 20-69
326 IAC 20-66	

SECTION 1. 326 IAC 20-63 IS ADDED TO READ AS FOLLOWS:

Rule 63. Surface Coating of Large Appliances

326 IAC 20-63-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.4081 (67 FR 48262, July 23, 2002)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart NNNN (67 FR 48262, July

23, 2002)*, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Large Appliances.

***This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-63-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 121)**

SECTION 2. 326 IAC 20-64 IS ADDED TO READ AS FOLLOWS:

Rule 64. Surface Coating of Metal Coil

326 IAC 20-64-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5090 (67 FR 39811, June 10, 2002)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart SSSS (67 FR 39811, June 10, 2002; 68 FR 12592, March 17, 2003)*, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Coil.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-64-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 121)**

SECTION 3. 326 IAC 20-65 IS ADDED TO READ AS FOLLOWS:

Rule 65. Paper and Other Web Coating

326 IAC 20-65-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.3290 (67 FR 72341, December 4, 2002)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart JJJJ (67 FR 72341, Decem-

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ber 4, 2002)*, National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Coating.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-65-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 121*)

SECTION 4. 326 IAC 20-66 IS ADDED TO READ AS FOLLOWS:

Rule 66. Flexible Polyurethane Foam Fabrication Operations

326 IAC 20-66-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.8782 (68 FR 18069, April 14, 2003)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart MMMMM (68 FR 18069, April 14, 2003)*, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operations.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-66-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 122*)

SECTION 5. 326 IAC 20-67 IS ADDED TO READ AS FOLLOWS:

Rule 67. Municipal Solid Waste Landfills

326 IAC 20-67-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1935 (68 FR 2238, January 16, 2003)*.

(b) The air pollution control board incorporates by

reference 40 CFR 63, Subpart AAAA (68 FR 2238, January 16, 2003)*, National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-67-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 122*)

SECTION 6. 326 IAC 20-68 IS ADDED TO READ AS FOLLOWS:

Rule 68. Friction Material Manufacturing Facilities

326 IAC 20-68-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.9485 (67 FR 64506, October 18, 2002)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart QQQQQ (67 FR 64506, October 18, 2002)*, National Emission Standards for Hazardous Air Pollutants for Friction Material Manufacturing Facilities.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-68-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 122*)

SECTION 7. 326 IAC 20-69 IS ADDED TO READ AS FOLLOWS:

Rule 69. Polyvinyl Chloride and Copolymers Production

326 IAC 20-69-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.211 (67 FR 45891, July 10, 2002)*.

(b) The air pollution control board incorporates by

reference **40 CFR 63, Subpart J (67 FR 45891, July 10, 2002)*, National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.**

***This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-69-1; filed Sep 2, 2004, 5:15 p.m.: 28 IR 122)**

LSA Document #03-285(F)
Proposed Rule Published: April 1, 2004; 27 IR 2321
Hearing Held: May 5, 2004
Approved by Attorney General: August 17, 2004
Approved by Governor: September 1, 2004
Filed with Secretary of State: September 2, 2004, 5:15 p.m.
IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances July 23, 2002 (67 FR 48254-48288); National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil - Final Rule June 10, 2002 (67 FR 39794-39828); National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coatings - Final Rule December 4, 2002 (67 FR 72330-72362); National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations - Final Rule April 14, 2003 (68 FR 18062-18080); National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills - Final Rule January 16, 2003 (68 FR 2227-2242); National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities - Final Rule October 18, 2002 (67 FR 64498-64512); National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production - Final Rule July 10, 2002 (67 FR 45886-45893).

TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD

LSA Document #02-204(F)

DIGEST

Amends 328 IAC 1 concerning the excess liability trust fund (ELTF) to provide for additional cost accountability by claimants, to maintain the ELTF, to amend the method for prioritization of claims in the event of a fund balance near or at \$25 million, to clarify the definition of “third party liability”, to clarify the fund access provisions and to include access to the

fund by multiple owners and operators, and to revise and update the schedule of specific costs allowed to be reimbursed. Any references to the underground storage tank rule at 329 IAC 9 are to that rule as effective on September 29, 2004. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: August 1, 2002, Indiana Register (25 IR 3906).
 Continuation of First Notice of Comment Period: February 1, 2003, Indiana Register (26 IR 1744).
 Second Notice of Comment Period: December 1, 2003 Indiana Register (27 IR 952).
 Notice of First Hearing: December 1, 2003 Indiana Register (27 IR 952).
 Date of First Hearing: March 11, 2004, continued to April 8, 2004.
 Proposed Rule: June 1, 2004, Indiana Register (27 IR 2769).
 Notice of Second Hearing: July 1, 2004, Indiana Register.
 Date of Second Hearing: July 8, 2004.
 Finally Adopted: July 8, 2004.

- | | |
|------------------------|------------------------|
| 328 IAC 1-1-2 | 328 IAC 1-3-3 |
| 328 IAC 1-1-3 | 328 IAC 1-3-4 |
| 328 IAC 1-1-4 | 328 IAC 1-3-5 |
| 328 IAC 1-1-5.1 | 328 IAC 1-3-6 |
| 328 IAC 1-1-7.5 | 328 IAC 1-4-1 |
| 328 IAC 1-1-8 | 328 IAC 1-4-1.5 |
| 328 IAC 1-1-8.3 | 328 IAC 1-4-3 |
| 328 IAC 1-1-8.5 | 328 IAC 1-4-4 |
| 328 IAC 1-1-9 | 328 IAC 1-4-5 |
| 328 IAC 1-1-10 | 328 IAC 1-5-1 |
| 328 IAC 1-2-1 | 328 IAC 1-5-2 |
| 328 IAC 1-2-3 | 328 IAC 1-5-3 |
| 328 IAC 1-3-1 | 328 IAC 1-6-1 |
| 328 IAC 1-3-1.3 | 328 IAC 1-6-2 |
| 328 IAC 1-3-1.6 | 328 IAC 1-7-2 |
| 328 IAC 1-3-2 | 328 IAC 1-7-3 |

SECTION 1. 328 IAC 1-1-2 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-2 “Administrator” defined

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 2. “Administrator” refers to the ~~administrator commissioner~~ of the ~~fund~~ **department**. (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-2; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1051; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 787; filed Aug 30, 2004, 9:40 a.m.: 28 IR 123*)

SECTION 2. 328 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-3 “Corrective action” defined

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 3. “Corrective action” means ~~action taken~~ **any or all**

work performed or to be performed, including all work performed or to be performed under a CAP as defined under section 3.1 of this rule and rules of the solid waste management board at 329 IAC 9-1-14.7, to:

- (1) minimize;
- (2) contain;
- (3) eliminate;
- (4) remediate;
- (5) mitigate; or
- (6) clean up a release **caused by an occurrence;**

including emergency measures taken as part of an initial response to the release under rules of the solid waste management board at 329 IAC 9-5-2. (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-3; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1051; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 787; filed Aug 30, 2004, 9:40 a.m.: 28 IR 123*)

SECTION 3. 328 IAC 1-1-4 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-4 “Deductible amount” defined

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-7; IC 13-23-8-3; IC 13-23-8-4

Sec. 4. “Deductible amount” means the amount **set forth specified** in IC 13-23-8-3 applicable to each incident number assigned by the department. A person applying to the fund under 328 IAC 1-3-1 must provide evidence of payment of the deductible amount under IC 13-23-8-4(a)(3). (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-4; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1051; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1103; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 788; filed Aug 30, 2004, 9:40 a.m.: 28 IR 124*)

SECTION 4. 328 IAC 1-1-5.1 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-5.1 “Emergency measures” defined

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-12-3-2; IC 13-23-8-4

Sec. 5.1. “Emergency measures” means any **action that is taken at or near a petroleum release to abate an immediate threat of harm to human health, property, or the environment.** The actions taken must be approved by the department prior to payment from the fund: **work described under IC 13-23-8-4(b)(1).** The term only includes the necessary work performed to directly abate the following conditions related to a release:

- (1) Petroleum or petroleum constituents are detected in indoor air in an inhabitable building greater than short term risk-based concentrations under IC 13-12-3-2 for the contaminants of concern.
- (2) Petroleum or petroleum constituents, greater than ten

percent (10%) of the measured lower explosive limits, are detected anywhere in utility conduits, such as sewers.

(3) Petroleum or petroleum constituents are detected as free product or sheen in utility conduits or surface water.
(4) Petroleum or petroleum constituents are detected as free product off-site, not including easements or rights-of-way.

(5) Petroleum or petroleum constituents are detected at or above the maximum contamination levels (MCLs) or RISC residential ground water cleanup objectives under IC 13-12-3-2(a):

(A) in a drinking water well, as measured at the point of compliance or at the tap; or

(B) within one (1) year time of travel from a public drinking water well, and the petroleum or petroleum constituents are in imminent danger of impacting drinking water.

(6) Any other condition requiring direct abatement, as specified by the commissioner, based on the potential threat to human health or the environment.

(*Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-5.1; filed Oct 17, 2001, 4:30 p.m.: 25 IR 788; filed Aug 30, 2004, 9:40 a.m.: 28 IR 124*)

SECTION 5. 328 IAC 1-1-7.5 IS ADDED TO READ AS FOLLOWS:

328 IAC 1-1-7.5 “Off-site” defined

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 7.5. “Off-site” means property other than the following:

- (1) The parcel of real estate that contains the underground storage tank that is the cause of the release.
- (2) Other parcels owned by a person described in 328 IAC 1-3-1(a).

(*Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-7.5; filed Aug 30, 2004, 9:40 a.m.: 28 IR 124*)

SECTION 6. 328 IAC 1-1-8.3 IS ADDED TO READ AS FOLLOWS:

328 IAC 1-1-8.3 “Reasonable” defined

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 8.3. “Reasonable” means that the site characterization and corrective action are appropriate and performed only as necessary to meet the cleanup objectives for the site. The term also means that corrective action and site characterization are consistent with the requirements of 329 IAC 9, other applicable state and federal laws and regulations, and 328 IAC 1-3-5(b) through 328 IAC 1-3-5(e). (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-8.3; filed Aug 30, 2004, 9:40 a.m.: 28 IR 124*)

SECTION 7. 328 IAC 1-1-8.5 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-8.5 “Site characterization” defined

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
 Affected: IC 13-23

Sec. 8.5. “Site characterization” means the **work performed under the** initial site characterization described in rules of the solid waste management board at 329 IAC 9-5-5.1 **and or work performed under further site** investigations described in 329 IAC 9-5-6 and may include, as necessary, quarterly monitoring and pilot studies to determine the feasibility of remediation alternatives. (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-8.5; filed Oct 17, 2001, 4:30 p.m.: 25 IR 788; filed Aug 30, 2004, 9:40 a.m.: 28 IR 125*)

SECTION 8. 328 IAC 1-1-9 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-9 “Substantial compliance” defined

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
 Affected: IC 13-23-8-4; IC 13-23-12

Sec. 9. (a) “Substantial compliance” means that, at the time a release was **first discovered or confirmed:**

(1) the owner or operator ~~had taken affirmative steps to comply with~~ **has met** the requirements of ~~IC 13-23-8-4~~ **IC 13-23-8-4(a), with the exception of minor violations of:**

- (A) **statutory deadlines;**
- (B) **regulatory deadlines; or**
- (C) **regulatory requirements;**

that do not cause harm or threaten to harm human health or the environment; and

(2) **registration fees have been paid as required under IC 13-23-12 and 328 IAC 1-3-3.**

(b) **An owner or operator is not in substantial compliance if the release:**

(1) **Has not been reported within seven (7) days of the date the release was required to be reported under the spill reporting rule in effect at the time of the release.**

(2) **Harms public health or the environment and was not timely reported under the spill reporting rule applicable at the time of the release.**

(*Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-9; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1052; filed Nov 1, 1995, 8:30 a.m.: 19 IR 343; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 789; filed Aug 30, 2004, 9:40 a.m.: 28 IR 125*)

SECTION 9. 328 IAC 1-1-10 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-1-10 “Third party liability” defined

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
 Affected: IC 13-23

Sec. 10. (a) “Third party liability” ~~is~~ **means** the damage a tank owner or operator is legally obligated to pay for injury, ~~expense, costs,~~ and damage suffered by a third party as the result of a release. ~~Third party liability~~ **The term** includes bodily injury and property damage. ~~Third party liability~~

(b) **The term does not include the following:**

- (1) Punitive or exemplary damages.
- (2) **Claims for injury, costs, or damages arising on behalf or in favor of a person listed in 328 IAC 1-3-1.**
- (3) **Costs that were previously determined ineligible for reimbursement.**

(*Underground Storage Tank Financial Assurance Board; 328 IAC 1-1-10; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1052; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 789; filed Aug 30, 2004, 9:40 a.m.: 28 IR 125*)

SECTION 10. 328 IAC 1-2-1 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-2-1 Applicability

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
 Affected: IC 13-23

Sec. 1. This article implements provisions of IC 13-23 for the administration of the fund. This article establishes procedures by which persons listed in 328 IAC 1-3-1 may apply to the fund for payment of ~~corrective action~~ **reimbursable** costs and third party liability claims. ~~arising from petroleum releases.~~ Payment of ~~corrective action~~ **reimbursable** costs and third party liability claims shall be made in accordance with the following:

(1) 328 IAC 1-3-4(b) applies to any one (1) site upon which ~~(A) an occurrence has not been reported to the department; or (B) the corrective action has not been completed as of the effective date of this rule.~~ **November 16, 2001.**

(2) The **applicable** cost range or amount of the expenditure to be reimbursed by the fund; **reimbursable cost**, as set forth in 328 IAC 1-3-5, shall be determined ~~as of~~ **under the section in effect on** the date the expense was initially of the **invoice for the work and the costs so incurred unless the work is performed by the owner, operator, or applicant, to the fund; in which case, it is the date the work was completed.**

(*Underground Storage Tank Financial Assurance Board; 328 IAC 1-2-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1052; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 789; filed Aug 30, 2004, 9:40 a.m.: 28 IR 125*)

SECTION 11. 328 IAC 1-2-3 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-2-3 Obligation of monies

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
 Affected: IC 13-23

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Sec. 3. (a) Claims shall be paid in the order received by the department administrator unless the procedure set forth in ~~328 IAC 1-4-1~~ **328 IAC 1-4** is applicable.

(b) At the beginning of each state fiscal year, the administrator shall obligate sufficient monies for administering the fund. This amount shall be approved by the financial assurance board. (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-2-3; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1052; filed May 25, 1999, 4:31 p.m.: 22 IR 3103; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 789; filed Aug 30, 2004, 9:40 a.m.: 28 IR 125*)

SECTION 12. 328 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-3-1 Fund access

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-7; IC 13-23-8-4

Sec. 1. (a) The following persons may apply to the fund for payment of expenditures arising from corrective action and reimbursable costs or for indemnification of third party liability claims:

(1) ~~Eligible~~ Tank owners and operators, including transferees **a person** as described in ~~IC 13-23-8-4~~ **section 3(d) of this rule.**

(2) Persons assigned the right of reimbursement by any person described in subdivision (1).

(3) Subsequent owners of the property upon which tanks were located, if the tanks were closed by a previous property owner, tank owner, or operator who is eligible, **as specified in IC 13-23-8-4(e).**

(b) **Any or all persons listed under subsection (a) may apply to the fund for payment of reimbursable costs or third party liability claims if the following have occurred:**

(1) **The payment for the applicable deductible amount for the release has been made.**

(2) **A claim for the same costs has not been submitted to or paid by the fund. A claim for the same costs will not be paid more than once by the fund.**

(c) **The department may determine the identity of the tank owner or tank operator based on the notification submitted under 329 IAC 9-2-2. The department may require an affirmation that an applicant is a person, as described in section 3(d) of this rule, or a subsequent owner of the property, as specified in subsection (a)(3).**

(d) **A person who owns property with a tank is considered a tank owner.** (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1053; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1103; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 790; filed Aug 30, 2004, 9:40 a.m.: 28 IR 126*)

SECTION 13. 328 IAC 1-3-1.3 IS ADDED TO READ AS FOLLOWS:

328 IAC 1-3-1.3 Cost effectiveness of corrective action

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-7; IC 13-23-8-4

Sec. 1.3. (a) After the person described in section 1 of this rule has:

(1) **completed the initial site characterization under 329 IAC 9-5-5.1 and the further site investigation under 329 IAC 9-5-6 for the release at the site; and**

(2) **submitted the information in clauses (A) through (C) to the administrator in a form or format approved by the administrator:**

(A) **for each of the remediation alternatives as required by 329 IAC 9-5-6(d), details of the work to be performed and the projected costs;**

(B) **the approved CAP; and**

(C) **if appropriate, a demonstration that the selected remediation alternative will substantially reduce or eliminate third party liability;**

the administrator will determine if the work to be performed or the work already performed, or a portion thereof, under the approved CAP is cost effective. The administrator may review information concerning cost effectiveness while reviewing a CAP submitted for approval; however, the administrator will not make a determination on cost effectiveness before a CAP is approved.

(b) **The administrator's determination for cost effectiveness will be based on the information in subsection (a) and the following criteria:**

(1) **The projected costs of the selected remediation alternative compared to the other remediation alternatives.**

(2) **The likelihood that the remediation approach will achieve the cleanup objectives as set forth in the approved CAP.**

(3) **The appropriateness of the length of time projected to achieve the cleanup objectives, based on the selected remediation alternative considering actual impacts to human health and the environment.**

(4) **The cost projections under subsection (a)(2)(A) for the remediation alternatives and the work to be performed do not exceed the reimbursable costs allowed under section 5(a), 5(b), and 5(e) of this rule.**

(5) **The cleanup objectives as set forth in the approved CAP are sufficient, but no more stringent than necessary, for the current land use for the site.**

(6) **A demonstration that the selected remediation alternative will substantially reduce or eliminate third party liability.**

(c) **Upon the administrator's request, the applicant shall provide additional information to substantiate the projected work and projected costs.**

(d) At any time, if the administrator finds that the approved CAP will not achieve or is not achieving the cleanup objectives under 329 IAC 9, then the administrator may determine that the work to be performed under the approved CAP is no longer cost effective. The administrator will give notice to the applicant of this determination. (Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-1.3; filed Aug 30, 2004, 9:40 a.m.: 28 IR 126)

SECTION 14. 328 IAC 1-3-1.6 IS ADDED TO READ AS FOLLOWS:

328 IAC 1-3-1.6 Preapproval of work

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
 Affected: IC 13-23-7; IC 13-23-8-4

Sec. 1.6. (a) Persons described in section 1 of this rule may submit to the administrator a request for a preapproval of projected work to be performed under the approved CAP. The request and any additional information requested by the administrator must be in a form or format approved by the administrator. The administrator's preapproval will be based on a determination of the following:

- (1) Cost effectiveness under section 1.3 of this rule.
- (2) That the costs are reasonable.

(b) The administrator may ask for additional information to substantiate the projected work and projected costs.

(c) The administrator will send a preapproval letter to the owner or operator stating how much of the work is preapproved as reasonable and cost effective. This preapproval is not a determination on eligibility under section 3 of this rule. (Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-1.6; filed Aug 30, 2004, 9:40 a.m.: 28 IR 127)

SECTION 15. 328 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-3-2 Fund disbursement

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
 Affected: IC 13-23-8-4; IC 13-23-9-2; IC 13-23-9-3

Sec. 2. (a) Monies may be disbursed from the fund to persons listed in section 1 of this rule for payment of ~~corrective action~~ **reimbursable costs in compliance with IC 13-23-8-4(a)(4) through IC 13-23-8-4(c) and IC 13-23-9-2(a) through IC 13-23-9-2(c).** Site characterization costs may be disbursed from the fund to persons listed in section 1 of this rule prior to an approved or deemed approved CAP, if the work for which payment is sought is completed in accordance with rules of the solid waste management board at 329 IAC 9 or the risk integrated system of closure (RISC) standards: **as specified under section 5 of this rule.**

(b) Monies may be disbursed to persons listed in section 1 of

this rule for payment of ~~claims of liability to third parties~~ **party liability claims** in compliance with IC 13-23-9-3. (Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-2; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1053; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 790; filed Aug 30, 2004, 9:40 a.m.: 28 IR 127)

SECTION 16. 328 IAC 1-3-3 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-3-3 Eligibility requirements

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
 Affected: IC 6-8.1-1-1; IC 6-8.1-10-1; IC 13-23-7; IC 13-23-8-4; IC 13-23-12

Sec. 3. (a) ~~Persons~~ **A person** listed in section 1 of this rule ~~must do~~ **shall comply with** the following for a claim for reimbursable costs or a third party liability claim to be eligible considered for reimbursement from the fund by the administrator:

- (1) ~~Meet~~ **Demonstrate that** the requirements set forth in IC 13-23-8-4(a)(1) through IC 13-23-8-4(a)(4) **have been met.** The CAP as required by IC 13-23-8-4(a)(4) must be submitted with projected costs that describe in detail the costs for work to be completed under the CAP. The projected costs must be in a form or format approved by the administrator.
- (2) In accordance with rules of the solid waste management board at 329 IAC 9-4 and rules of the water pollution control board at 327 IAC 2-6.1, communicate a spill report to the department of environmental management.
- (2) **Demonstrate that the tank owner or operator was in substantial compliance with the spill reporting rule or law applicable at the time the release is discovered.**
- (3) ~~Current tank owners or operators who have failed to pay all tank past and currently due fees that are due under IC 13-23-12-1 by the date that the fees are due shall be eligible for reimbursement from the fund in accordance with subsection (b) upon payment of and all past due fees, interest and penalties that are due under subsections (e) and (f) of this section.~~
- (4) ~~For a person who acquires ownership in accordance with subsection (c) shall be eligible for reimbursement from the fund upon (d), make~~ **timely payment of all past due tank fees, interest, and penalties in accordance with subsection (b); (f) to make a claim for reimbursable costs for any site characterization or corrective action related to a release that is first suspected, discovered, or confirmed after the payment of all past and currently due fees, interest, and penalties.**
- (5) **Register the tank or tanks within thirty (30) days of the time the tank or tanks were first put into use, even if a release is discovered or confirmed before the tank or tanks were registered. Tanks are considered "in use" when the tank contains or has ever contained a regulated**

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substance and has not been closed under 329 IAC 9-6.

(6) Comply with the requirements of IC 13-23, 329 IAC 9, and this title.

(b) A tank owner or operator who fails to pay all tank fees that are due under IC 13-23-12-1 by the date that the fees are due ~~the~~ **Persons listed in section 1 of this rule** shall be eligible to **apply to the fund** for reimbursement from the fund according to the following formula:

(1) Determine the number of payments that were owed under IC 13-23-12-1 on all regulated tanks at the facility from which a release occurred, beginning with the date that the fees for each tank first became due under IC 13-23-12 and continuing until the date on which the release occurred.

(2) Determine the number of payments actually made under IC 13-23-12-1 on all regulated tanks at the facility from which a release occurred, beginning with the date each tank became regulated under IC 13-23 and continuing until the date on which the release occurred. Divide the number of payments actually made by the number of payments due as determined in subdivision (1).

(3) Determine the amount of money the person would have received from the fund if all payments due on the date the release occurred had been paid when due and multiply the amount by:

(A) the percentage determined in subdivision (2), if the percentage is fifty percent (50%) or more; or

(B) zero (0), if the percentage determined in subdivision (2) is less than fifty percent (50%).

(c) Payments that were made or could have been paid four (4) times per year under IC 13-23-12-3 count as one (1) payment for purposes of this section. ~~Each payment made or due on each tank at a facility shall count as an additional payment for purposes of this section in figuring the total payments made or due:~~

~~(d) Persons listed in section 1 of this rule who have had a claim denied for failure to register an underground petroleum storage tank from which a release has occurred or for failure to pay all registration fees that are due under IC 13-23-12-1 by the date the fees are due may resubmit the claim, regardless of whether the denial was appealed, under subsection (a). The resubmission must be in the form of a letter providing the facility identification number, the incident number, and, if an appeal was filed, a copy of a document demonstrating the resolution of the appeal. The department has the option to settle any pending appeals and resubmitted claims:~~

~~(e) (d) A person who acquires ownership or operation of an underground petroleum storage tank under IC 13-23-8-4.5(2) may not become eligible for reimbursement from the fund by complying with subsection (f):~~

~~(f) A person described under subsection (e) may become~~

eligible for reimbursement from the fund for any releases reported after the date that the ~~department commissioner~~ receives the "Intent to Acquire UST and Reinstate Eligibility" form by ~~doing unless the person does~~ the following:

(1) ~~Submitting a fund~~ **Submit an** "Intent to Acquire UST and Reinstate Eligibility" form (Form) as prescribed by the commissioner at least sixty (60) days prior to acquiring ownership or operation of an underground petroleum storage tank. This form will be kept confidential up to the earlier of the following:

(A) The date of the transfer of the property.

(B) The ~~department's~~ **administrator's** receipt of the monies ~~provided in as owed under~~ subsection ~~(g):~~ **(e)**.

(C) ~~For up to Ninety (90) days after the projected date of closure listed in~~ **administrator receives** the Form.

The ~~department administrator~~ will provide a listing of environmental penalties, interest due to the fund, and fees due to the prospective purchaser and the property owner within forty-five (45) days of receipt of the Form.

(2) **Paying Pay** all applicable tank fees, including past due fees, interest, and penalties, for each tank not more than thirty (30) days after the transaction whereby the person acquires ownership or operation of each tank.

(3) The seller of the underground petroleum storage tank site is liable for any and all unpaid tank fees, interest, and penalties that are assessed by the ~~department administrator~~ in accordance with subsection ~~(g):~~ **(e)**. The purchaser is to collect all past due tank fees, interest, and penalties from the noncompliant seller and remit to the ~~department administrator~~ the full amount of the assessment for the subject underground petroleum storage tank provided by the ~~department administrator~~ in accordance with subsection ~~(g) (e)~~ prior to ~~an occurrence: a release~~. The timely remittance of these monies is a condition of fund eligibility for the purchaser.

~~(g) (e) Persons listed in section 1 of this rule and described in subsection (e) who fail to pay tank fees when due are subject to payment of interest and penalties on those fees in order to become eligible for the fund under subsection (f): Interest and penalties due will include the following:~~

(1) Penalties and interest due the department of state revenue.

(2) All past due underground storage tank fees under IC 13-23-12.

(3) An environmental penalty as specified in subsection ~~(h)(2):~~ **(f)(2)**. This penalty will be distributed into the fund and into the petroleum trust fund in accordance with IC 13-23-12-7(b).

(4) Interest will be charged for the missed ~~fee(s)~~ **fee or fees** at the percent per year based on subsection ~~(h) (f)~~ and IC 6-8.1-10-1 until all fees due have been paid in full for each tank. This interest will be deposited into the fund.

Payment of all fees, interest, and penalties due within thirty (30) days of the date of transfer of the subject property is a requirement for fund eligibility for the purchaser.

(†) (f) In addition to all past due fees owed, the amount of interest and penalties owed by a particular owner or operator is to be determined by the following formula:

(1) Interest, under IC 6-8.1-1-1 and IC 6-8.1-10-1, as follows:

Number of delinquent days × daily interest rate = interest due
Interest will be calculated according to IC 6-8.1-10-1.

(2) Penalty as follows:

(A) For sites **containing only tanks** that were never registered, or sites **containing only tanks** for which no tank fees were paid when due, the penalty will be calculated at two thousand dollars (\$2,000) under IC 13-23-12-7(a) per petroleum underground storage tank **per year that passes after each year's fee is due. The table (as an example) or the following formula (to calculate any length of time) may be used to calculate the penalty per tank:**

Where: **n** = Total number of years late.
Y_{i,j} = Each year with an unpaid fee or a fee that was paid at least one (1) year late.
Y_o = First year a fee was unpaid or paid at least one (1) year late.
m = Most recent year where tank fees were unpaid or paid at least one (1) year late.

$$(2000) \left(\sum_{j=Y_o}^m \left(\sum_{i=1}^n Y_{i,j} \right) \right) = \text{penalty}$$

Year due	1 year past year due	2 years past year due	3 years past year due	4 years past year due
Year 1	2,000	2,000	2,000	2,000
Year 2		2,000	2,000	2,000
Year 3			2,000	2,000
Year 4				2,000
Total per tank	2,000	6,000	12,000	20,000

(B) For all other sites **with tanks that are registered but not all fees have been completely paid**, the penalty will be calculated at one thousand dollars (\$1,000) per petroleum underground storage tank for each year that passes after the fee becomes due and before the fee is paid **missed fee payment. If a quarterly fee payment is missed, the penalty is applied at one-fourth (¼) the amount listed in the table. The following table is an example of how penalties must be paid per tank:**

Year due	1 year past year due	2 years past year due	3 years past year due	4 years past year due
Year 1	1,000	1,000	1,000	1,000
Year 2		1,000	1,000	1,000
Year 3			1,000	1,000
Year 4				1,000
Total per tank	1,000	2,000	3,000	4,000

(C) **The penalty is incurred:**

- (i) **nine (9) months after the fee is due; or**
- (ii) **three (3) months after the final quarterly installment is due.**

Subsequent penalties are calculated yearly and are cumulative as specified in clause (A).

(D) Penalties will not be collected for fees due before December 1, 2001.

(Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-3; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1053; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1104; errata, 20 IR 1593; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 790; errata filed Feb 27, 2002, 9:58 a.m.: 25 IR 2254; filed Aug 30, 2004, 9:40 a.m.: 28 IR 127)

SECTION 17. 328 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-3-4 Amount of coverage

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-8-8

Sec. 4. (a) After payment of the applicable deductible amount, the fund may pay for **reimbursable** costs incurred by persons listed in section 1 of this rule **for corrective action** and third party liability **claims** as specified in IC 13-23-8-1.

(b) **Regardless of the number of eligible persons listed in section 1 of this rule at one (1) site; No more than two million dollars (\$2,000,000) may be reimbursed for the costs, including third party liability claims, associated with a single occurrence.**

(c) **An owner or operator may not receive payment for more than the allowable limits as specified in IC 13-23-8-8.**

(d) **For purposes of this section, “year” means a calendar year even if more than the maximum reimbursement is received in any three hundred sixty-five (365) day period.** *(Underground Storage Tank Financial Assurance Board; 328 IAC 1-3-4; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1054; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 792; filed Aug 30, 2004, 9:40 a.m.: 28 IR 129)*

SECTION 18. 328 IAC 1-3-5 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-3-5 Costs

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-12-3-4; IC 13-23-3-2; IC 13-23-8-4

Sec. 5. (a) **Reimbursable costs, excluding third party liability claims, are actual monetary amounts paid or incurred for work performed:**

- (1) **consistent with an approved or deemed approved CAP or under one (1) or more of the provisions of IC 13-23-8-4(b); and**

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(2) subject to each of the following conditions:

(A) Credits, rebates, refunds, or other similar payments made to the owner or operator or received by the owner, operator, or applicant must be subtracted from the costs submitted for reimbursement.

(B) The work performed was consistent with:

(i) site characterization;

(ii) an approved CAP; or

(iii) emergency measures, as defined in 328 IAC 1-1-5.1.

(C) The work performed under the CAP has been determined to be cost effective under section 1.3 of this rule.

(D) The work performed has been determined to be reasonable under 328 IAC 1-1-8.3.

(E) The work was performed as described in subsection (b) or (e), or both, and is not described in subsection (d).

(a) (b) Persons listed in section 1 of this rule may employ a certified contractor under IC 13-23-3-2 or may use the owner's or operator's personnel to perform all or part of a corrective action and may seek payment from the fund for the following reimbursable costs related to necessary costs actually incurred in the performance of corrective action: the type described as follows:

(1) ~~Investigation~~; Site characterization costs, which includes include:

(A) research;

(B) field time;

(C) report writing; and

(D) clerical support;

but only after the site characterization has been approved by the administrator.

(2) Lodging and per diem costs will be paid in accordance with the most current Indiana department of administration financial management circular covering state travel policies and procedures. Mileage shall be calculated at the federal rate for a privately owned automobile under 41 CFR 301-10.303, in effect on ~~September 6, 2000~~; **December 15, 2003**. Sales of the Code of Federal Regulations are handled by the Superintendent of Documents, ~~Government Printing Office, Washington, D.C. 20402~~; **P.O. Box 371954, Pittsburgh, PA 15250-7954**.

(3) Persons listed in section 1 of this rule may employ a certified contractor under ~~IC 13-23-3-2~~ or may use the owner's or operator's personnel to perform all or part of a corrective action.

(4) (3) Soil and water sampling for petroleum and petroleum constituents shall be performed in accordance with only as necessary to achieve closure under rules of the solid waste management board at 329 IAC 9. ~~or the risk integrated system of closure (RISC) standards.~~

(5) Expenditures (4) Costs for machinery and equipment must be if prorated based on the normal expected life of the item and the length of time the item was used for a single corrective action. In no event will the fund pay for purchases

of machinery and equipment in excess of the market cost of leasing the item for a corrective action. Examples of equipment charges which that can be made to the fund are disposable bailers and sample bottles.

(6) Persons listed in section 1 of this rule may be reimbursed for expenditures (5) Costs for materials and supplies, such as:

(A) disposable protective equipment;

(B) building materials, such as:

(i) piping; and

(ii) cement; and

(C) preservatives.

(7) Attorney fees, not to exceed twenty-five percent (25%) of the total claim or thirty thousand dollars (\$30,000), whichever is less, shall only be payable if incurred by the owner or operator in defense of a third party liability claim.

(8) (6) Governmental administrative fees for local, state, or federal permits necessary for corrective action.

(9) (7) Provision of alternate water supply. This cost must have been previously approved by the ~~department~~; **administrator**.

(10) (8) Any other reasonable reimbursable costs the ~~department~~ **administrator** finds to be necessary. ~~for corrective action or payment of a third party liability claim.~~

(11) (9) Costs associated with transitioning a site to RISC will be paid if these costs would be less than the costs to complete the remediation under rules of the solid waste management board at 329 IAC 9.

(12) (10) Only one (1) markup may be taken on any item. Markup of no more than ~~fifteen~~ **ten** percent (~~+5%~~) **(10%)** of the unit rate or the lowest bid will be reimbursed ~~on all eligible costs~~ except for the following:

(A) Travel costs, including mileage, per diem, and lodging.

(B) Personnel costs, **not including labor rates for sub-contractors**.

(C) Utilities for temporary facilities.

(D) Governmental administrative fees for local, state, or federal permits.

(E) Equipment and supplies not purchased or rented specifically for use at a facility or that are not part of the approved remedial technology.

(11) The fair market value of the cost to obtain access to off-site property if necessary for site characterization or corrective action.

(12) Costs for emergency measures including the following as determined to be appropriate by the administrator:

(A) Evacuation and relocation of a building resident or residents.

(B) Ventilation of a building or utility conduit.

(C) Installation and maintenance of an alternate water or treatment system for contaminated drinking water.

(D) Recovery of free product as necessary to eliminate a release to a utility conduit.

(E) Installation of a system to mitigate free product migration, actual or potential drinking water impacts, or vapor intrusion into a building or a utility conduit.

(F) Other emergency measures required by the department.

(c) The approval of the site characterization and the corrective action plan under rules of the solid waste management board at 329 IAC 9 is not a determination that the actual costs incurred under the site characterization or the CAP are reimbursable costs under this rule.

~~(b)~~ **(d) The following expenditures costs are ineligible for reimbursement not reimbursable from the fund:**

~~(1)~~ **(1) Costs incurred from releases that occurred before April 1, 1988.**

~~(2)~~ **(2) Costs incurred more than twenty-four (24) hours prior to the date and time the release has been reported under the spill reporting rule in effect at the time of the release.**

~~(2)~~ **(3) Costs of repair, upgrading, or replacement of an underground petroleum storage tank or its associated equipment.**

~~(3)~~ **(4) Costs of environmental investigation and remediation not directly related to a release from a qualifying underground storage tank. Ineligible costs include the cost of testing for nonpetroleum contamination and the cost of vapor or ground water monitoring devices that are not associated with corrective action.**

~~(5)~~ **(5) Costs that exceed reimbursable costs even if incurred pursuant to an approved CAP.**

~~(4)~~ **(6) The cost of equipment purchases other than those expenditures costs routinely required to implement a corrective action plan. Examples of equipment these not reimbursable purchases that cannot be charged to a specific site include:**

- (A) drilling rigs;**
- (B) earth moving equipment;**
- (C) photoionization detectors;**
- (D) explosimeters; and**
- (E) hand tools.**

~~(5)~~ **(7) The cost of cosmetic improvements, including the repair or replacement of blacktop or concrete, unless directly associated with corrective action.**

~~(6)~~ **(8) Lost income or reduced property values unless part of a third party liability claim.**

~~(7)~~ **(9) Interest or finance charges.**

~~(8)~~ **(10) Contractor costs not directly related to corrective action activities, such as preparing cost estimates.**

~~(9)~~ **(11) Fines or penalties imposed by local, state, or federal governmental agencies.**

~~(10)~~ **(12) Punitive or exemplary damages.**

~~(11)~~ **(13) Any costs for remediation of contamination not shown to be above the at concentrations listed in the Indiana Department of Environmental Management Underground Storage Tank Guidance Manual (1994); rules of the solid waste management board at 329 IAC 9; and exceeding the risk integrated system of closure as described in IC 13-23-**

8-4(a)(4)(A)(ii) (RISC) industrial cleanup standards with the following exceptions:

(A) Ground water contamination affecting a public or private drinking water well on-site or off-site.

(B) Off-site contamination at concentrations exceeding RISC residential cleanup standards, not including roadways, railroads, or other property not currently used as residential property.

~~(12)~~ **(14) Any costs related to the excavation and disposal of more than one thousand five hundred (1,500) tons of soil unless:**

(A) alternative remediation techniques have been considered;

(B) excavation and disposal was shown to be the most cost effective remediation option; and

(C) the soil removal is part of a CAP approved or deemed approved by the ~~commissioner~~ administrator.

~~(13)~~ **(15) Any other cost not directly related to site characterization, corrective action, or third party liability or otherwise determined not to be reimbursable under this rule as a result of a financial or technical review.**

(16) If a release has occurred before the tank or tanks were registered, and the tank or tanks were not registered within thirty (30) days from the time the tank or tanks were first put into use, a claim is not reimbursable from the fund by the administrator. Tanks are considered "in use" when the tank contains or has ever contained a regulated substance and has not been closed under 329 IAC 9-6.

(17) Any costs to purchase equipment, which was previously purchased and the cost was previously reimbursed from the fund.

(18) Any costs incurred after receipt of notice by the administrator under section 1.3(d) of this rule that the approved CAP is not successfully remediating the site, except the following costs necessary, until such time as the modified CAP is approved, to:

(A) Develop the modified CAP, including pilot studies or additional investigation.

(B) Demobilize the corrective action system currently at the site.

(C) Abandon monitoring, extraction, or other wells associated with the CAP.

(D) Maintain compliance with applicable regulations and permits, including quarterly ground water monitoring.

(E) Maintain, but not operate, the corrective action system.

~~(c)~~ **(e) Costs that** may be considered for reimbursement paid from the fund are set forth in the following: reimbursable expenditure chart. Sampling and analysis must be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", United States Environmental Protection Agency Publication

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SW-846, Third Edition (November 1986) as amended by Updates I (July 1992); II (September 1994); III (August 1993); HB (January 1995); HI (December 1996); and HIA (May 1999).

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Activity	Cost Range or Maximum Amount
SITE INVESTIGATION CHARACTERIZATION	
Direct push technology, other costs pertaining to direct push technology are included in the per/foot allowance specified.	\$1,200 (between >100 and ≤ 200 feet)
Rate allowed for drilling greater than 200 feet using direct push technology in a single day	\$750 (up to 100 feet) \$6 per foot
Mobilization and demobilization, within a 50 mile radius: This includes the cost of moving general contractor owned equipment, setup, and removing equipment.	\$300
Soil borings, for purposes of soil or ground water sampling or monitoring well installation when using a hollow stem auger.	
Number of feet in incremental amounts	
Less than 16 For the first 15 feet	\$20 per foot
16 through less than 26 25 feet	\$25 per foot
26 feet or more	\$30 per foot
These amounts may only be charged 1 time per borehole. Sample collection is part of well installation. Direct push technology must be used when it is most appropriate to the site and cost effective.	
Blind drilling using a hollow stem auger when well borings have already been logged within 5 feet.	
For the first 50 feet	\$6.50 per foot
51 feet or more	\$8.50 per foot
Decontamination and equipment cleaning	\$10 per each 5 feet of boring
Cutting holes in concrete or asphalt (12 inches in diameter)	\$90 per hole
Materials	
Well casing and screen (including riser) filter pack, annular, and surface seal:	
2 inch well	\$10 \$7 per foot
4 inch well	\$12 per foot
6 inch well	\$15 \$22 per foot
Flush-grade well covers	\$75 per cover
Laboratory services, including containers, packaging, and postage.	
Soil analysis methods	
TPH-8015 GRO	\$75 \$60 per sample
TPH-8015 DRO	\$60 per sample
TPH-8015 ERO	\$60 per sample
TPH-418.1	\$100 \$95 per sample
TRPH-HEM-1664/9071B	\$60 per sample
VOC-8260	\$200 \$150 per sample
SVOC-8270	\$325 \$250 per sample
PAH-8270SIM	\$110 per sample
PAH-8310	\$185 \$150 per sample
PCB-8080 PCB-8082	\$110 per sample
Metals- (13) 7 barium, cadmium, chromium, lead, mercury, nickel, zinc	\$170 \$100 per sample
BTEX/MTBE-8021	\$75 \$60 per sample
BTEX/MTBE-8260	\$200 \$100 per sample
Ignitability	\$30 per sample

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Fraction of organic carbon	\$70 per sample
Water analysis methods	
TPH-8015 GRO	\$75 \$60 per sample
TPH-8015 DRO	\$60 per sample
TPH-8015 ERO	\$60 per sample
TPH-8015 Methane	\$60 per sample
TRPH-HEM-1664	\$60 per sample
VOC-8260	\$200 \$100 per sample
BTEX/MTBE-8021	\$75 \$60 per sample
BTEX/MTBE-8260	\$200 \$100 per sample
SVOC-8270	\$325 \$250 per sample
PAH-8270 SIM	\$130 per sample
PAH-8310	\$185 \$140 per sample
Metals- (13) 7 barium, cadmium, chromium, lead, mercury, nickel, zinc	\$170 \$80 per sample
Metal-soluble iron	\$25 per sample
Monitored natural attenuation parameters	
Nitrates	\$15 \$25 per sample
Nitrites	\$15 per sample
Sulfate	\$15 \$25 per sample
Sulfide	\$25 per sample
Dissolved methane	\$50 per sample
COD	\$20 per sample
BOD₅	\$40 per sample
Total suspended solids	\$12 per sample
Air analysis methods	
VOC-TO-15	\$400 per sample
Other Methods	
TCLP-lead	\$110 per sample
Use of RISC will require DQO-Level IV ; If the commissioner requires all quality assurance/quality control (QA/QC), including raw data and internal chain of custody and QA/QC necessary to validate analytical results.	20% markup allowed per sample
When submitting a claim for reimbursement, the claimant applicant shall be required to give the personnel classification, task being performed, and the name of the individual performing the task. Rates will be paid based on the task performed by an employee rather than the qualifications of the employee. Refer to subsection (d) (f) for task descriptions for personnel classifications.	
Principal	\$110 per hour
Senior project manager	\$102 per hour
Project manager	\$83 per hour
Staff project person	\$70 per hour
Senior technician	\$55 per hour
Technician	\$38 per hour
Drafting person	\$35 per hour
Word processor/clerical	\$28 per hour
Toxicologist	\$125 per hour
INITIAL ABATEMENT AND FREE PRODUCT REMOVAL	
Except where provided in this rule, approval of costs will be on a case-by-case basis.	
SITE SET-UP PREPARATION	

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Trailer rental	\$300 per month (\$10 per day)
Portable toilet	\$150 per month (\$5 per day)
Utility check, the date and time of the utility check must be documented.	\$400 \$600
Utilities for temporary facilities	
Temporary power	\$500 per month (\$16.67 per day)
Temporary water	\$150 per month (\$5 per day)
Temporary phone	\$200 per month (\$6.67 per day)
DEMOLITION	
Mobilization	\$300 per trailer
Concrete and asphalt removal	
Saw concrete, prices are per linear foot	
	<u>4 inch concrete</u> <u>6 inch concrete</u>
Under 200 feet	\$1.60 per foot \$2 per foot
200 through 400 feet	\$1.40 per foot \$1.81 per foot
400 through 600 feet	\$1.33 per foot \$1.70 per foot
600 through 1,000 feet	\$1.20 per foot \$1.66 per foot
Over 1,000 feet	\$1.08 per foot \$1.60 per foot
Saw asphalt, prices are per linear foot	
	<u>3 inch asphalt</u> <u>4 inch asphalt</u> <u>6 inch asphalt</u>
Under 450 feet	\$1.75 per foot \$1.90 per foot \$3 per foot
450 through 600 feet	\$1.50 per foot \$1.75 per foot \$2.75 per foot
600 through 1,000 feet	\$1.35 per foot \$1.50 per foot \$2.25 per foot
Over 1,000 feet	\$1.25 per foot \$1.35 per foot \$2 per foot
Concrete removal, including the cost of loading and hauling to a legal landfill within 6 miles, but does not include landfill fees	
4 inch concrete	\$3 per ton
6 inch concrete	\$5.77 per ton
7 inch through 9 inch concrete	\$17.47 per ton
10 inch and over	\$43.96 per ton
With rebar	Add 15%
For less than 500 square feet	Add 35%
Concrete curb	\$5.04 per linear foot
Asphalt removal, including the cost of loading and hauling to a legal landfill within 6 miles, but does not include landfill fees	
Removal asphalt pad (3 inches)	\$0.25 per square foot
Removal asphalt curb	\$1.41 per linear foot
For less than 500 square feet	Add 35%
Hauling	\$70 per hour per truck
EXCAVATION	
Equipment costs and labor	\$2.22 per ton
Mobilization	\$300 per trailer
Supplies, for example, visqueen plastic sheeting	
Stockpiling soil on-site	\$1.34 per ton
Tank removal, decommissioning, cutting, and disposal are not eligible for reimbursement unless necessary as part of corrective action.	
Costs for pumping, testing, and disposal of tank contents are not eligible for reimbursement	
Under 1,000 gallons	\$1,000 per tank
1,000 through 4,999 gallons	\$1,500 per tank

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5,000 through 10,000 gallons	\$2,000 per tank
Above 10,000 gallons	\$2,500 per tank
TRANSPORTATION	
Loading	\$1.34 per ton
Mobilization	\$300 per trailer
Hauling, mileage must be documented	\$0.37 per ton for each mile \$70 per hour per truck
For excavation, stockpiling, and loading of less than 300 tons in a single day.	\$1,000 per day or the actual cost
DISPOSAL OF SOIL, GROUND WATER, AND TRASH	
Landfill fees	
Sampling required by landfill. Must include receipts and analytical results from local municipality.	
Sanitary sewer, if approved for disposal of treated ground water. Must include receipts.	
Contaminated or disposable equipment and decontamination fluids.	
Landfill reimbursement will be based on not exceed the least expensive combination of documented transportation hauling costs and documented disposal costs at a permitted landfill. Applicant must submit a cost justification if the applicant does not use the nearest land disposal facility permitted and willing to accept the applicant's waste.	
Trash	\$15 per ton
APPROVED CORRECTIVE ACTION TECHNOLOGIES	
Reimbursement The maximum costs for the work done for corrective action, costs except excavation, will be reimbursed allowed on the basis of the lowest of three (3) comparable, competitive bids on for the work specified in the corrective action plan. that is approved or deemed approved by the department. If the claimant can provide sufficient technical justification for the selection of another bid, the corrective action costs associated with the higher bid will be reimbursed. Bids for the work specified in the CAP must include bids for installation and labor; however, separate bids may be obtained for cost of installation and labor. Copies of the request for proposal (RFP) for implementation of CAP that was sent to each vendor must be submitted. The administrator can approve costs based on less than three (3) bids if a demonstration is provided to the administrator that lower costs for the specified work is not possible or practical.	
Lease or rental on equipment will not be reimbursed above the purchase price.	
SITE RESTORATION	
Backfill hauling	\$0.37 per ton for each mile \$70 per hour per truck
Backfill material	\$13 per ton of stone
Backfill placement, compaction, and density verification	\$6.50 per ton of soil
Resurfacing	\$4 per ton
4 inch concrete	\$3.25 per square foot
For each additional inch of concrete	Add \$0.40 per square foot
For rebar	Add 15%
Asphalt pad, 4 inch thickness	\$2.15 per square foot
Asphalt curb and gutter	\$4.75 per linear foot
Island forms	
4 feet by 10 feet with 2 foot bumpers	\$725 each
4 feet by 16 feet with 2 foot bumpers	\$1,100 each

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Equipment rental (based on daily rate; not an inclusive list)	
Decontamination equipment (bucket, brushes, and detergent	\$10
Power auger	\$50
Hand auger sampling kit (hand auger/brass sleeves)	\$35
Slide hammer core sampler	\$35
Photoionization detector	\$75
Flame ionization detector	\$95
HEL/O2 LED/O2 meter	\$50
pH and conductivity meter	\$20
Dissolved oxygen meter	\$30
Oxidation/reduction meter (REDOX)	\$35
Multiparameter water quality meter including pH, dissolved oxygen, temperature, and conductivity	\$50
Ferrous iron field test	\$6 per sample
Hydrogen sulfite field test	\$6 per sample
Digital camera	\$10
Geographic positioning system (GPS) unit for site mapping to 1 foot accuracy	\$95
2 ^{1/2} inch submersible pump	\$115
4 ^{1/2} inch submersible pump	\$95
Direct push technology	\$1,200 per day \$750 per 1/2 day
Steam cleaner/pressure washer	\$75
Water level indicator	\$12
Oil/water interface probe	\$55
Bailer rental	\$15
Anemometer	\$35
Carbon dioxide meter	\$25
Portable generator, generator ≤ 5kW	\$50
Portable generator, generator > 5kW	\$90
Portable generator, generator ≤ 10kW	\$100
Portable generator, generator > 10kW	\$125

(d) (f) The following categories describe the personnel classification activity descriptions:

- (1) Principal will do the following:
 - (A) Supervise professional staff.
 - (B) Serve as technical expert on sites.
 - (C) Provide final review of project documents.
 - (D) Limit site visits on projects.
 - (E) Handle legal matters.
 - (F) Coordinate with attorneys.
- (2) Senior project manager (includes professional geologist, engineer, and hydrogeologist) will provide the following:
 - (A) Project management/oversight.
 - (B) Technical document preparation/review.
 - (C) Coordination with the department, client, and contractors.
 - (D) Hydrogeologic and contaminant modeling.
 - (E) Supervision of investigation/remediation activities.
 - (F) Site access/permitting.
- (3) Project manager will provide the following:

- (A) Remediation work plan preparation (CAP, ISC, FSI, pilot study).
- (B) Site work preparation and planning.
- (C) Supervision of remediation activities.
- (D) Oversight of waste characterization, transportation, and disposal.
- (E) RISC statistics and equations.
- (F) Coordination of subcontractor work (drillers, plumbers, and electricians).
- (G) Coordination of heavy equipment mobilization.
- (4) Staff project person will do the following:
 - (A) Implement remediation system installation, operation, and maintenance.
 - (B) Conduct site mapping.
 - (C) Assist with waste characterization, transportation, and disposal.
 - (D) Oversee installation of soil borings and monitoring wells.

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Number of wells within 1/4 mile	1	1
	2 through 3	2
	4 through 6	3
	6 or more	4
	Public water total _____ times 24 equals _____	
Private drinking water supply or well within 1/4 mile:		
Is contamination present in drinking water?	YES	15
	NO	0
Number of wells within 1/4 mile		
	1 through 10	1
	11 through 25	2
	26 through 100	3
	greater than 100	4
	Private drinking water total _____ times 12 equals _____	
Type of petroleum		
Mixed products or waste oil		15
Leaded gasoline		13
Gasoline		12
Jet fuels		10
Diesel fuels		9
Heating fuels		8
Kerosene fuels		7
Crude oil		5
Other		-
	Type of petroleum total _____ times 10 equals _____	
Health standards and explosivity hazards		
Contamination phase		
Vapors present at the time release discovered		10
Free product present at the time the release was discovered		7
Surface contamination present at the time the release was discovered		5
Structures affected		
Residential housing		7
Municipal, commercial, or industrial		5
Utility lines or trenches		1
Area designation		
Large municipality or urban area		7
Small municipality or suburban area		5
Rural, agricultural, or livestock area		1
	Health standards total _____ times 6 equals _____	
Corrective action taken		
Corrective action complete		5
Corrective action over 50% complete		5
Corrective action initiated		5
Corrective action approved by the department		5
Site characterization complete		5
Release response measures complete		5
	Corrective action total _____ times 4 equals _____	
Number of gallons released		
Over 12,000		10
5,000 through 11,999		8
2,000 through 4,999		6
500 through 1,999		4
100 through 500		2
Under 100		1

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		Number of gallons released total _____ times 5 equals _____
Degree of access to contaminated soil		
Contamination access		
Surface (0 to 2 feet below surface)		+0
Subsurface (over 2 feet below surface)		5
		Access total _____ times 4 equals _____
Designated use of surface water		
Surface waters within ½ mile		
Lake or river		3
Swamp or wetlands		3
Pond or canal		2
Stream, creek, or active drainage ditch		+
Distance to surface waters		
Under 500 feet		3
500 feet to ¼ mile		2
Over ¼ mile		+
Designated use of surface water		
Drinking water		4
Recreational or full body human contact		3
Aquatic; wildlife; or partial human contact		3
Agriculture or livestock		2
		Designated use of surface water total _____ times 4 equals _____
Site geology and hydrogeology		
Soil type		
Sand		4
Clay		+
Depth to water table in feet		
0 through +0		4
+1 through 20		3
21 through 40		2
Over 40		+
Unusual geologic factors; for example, fractured bedrock; sand or gravel veins; perched aquifers; or geological outcroppings		
	YES	5
	NO	0
		Site geology and hydrogeology total _____ times 3 equals _____

(c) To assure the efficient administration of the fund, the administrator may reclassify a claim at any time that it is determined a claim has been incorrectly ranked.

(b) All claims or parts of claims submitted to the administrator for an emergency measure, as defined under 328 IAC 1-1-5.1, will be paid first. If the claim or part of the claim is for work performed that has not been determined to be an emergency measure as defined under 328 IAC 1-1-5.1, the claim or part of the claim for that work will be paid according to the category of the release as determined in subsection (c).

(c) After the initial site characterization, further site investigation, or a corrective action progress report is completed, the release will be placed in the lowest numbered category for which it qualifies as follows, and all claims for reimbursement of costs and third party liability

shall be paid in numerical order of the release category subject to the release recategorization provisions under section 3 of this rule:

(1) If the administrator determines, based on the most recent information submitted to the administrator, that one (1) of the following has occurred and it is attributable to the release, then the release is considered a category 1 release and claims for that release shall be paid after all approved claims for emergency measures are paid as provided in subsection (b):

(A) Petroleum or petroleum constituents are detected in a structure or a utility conduit, such as a storm sewer, sanitary sewer, or utility conduit, that exceed ten percent (10%) lower explosive limit (LEL).

(B) Vapors for petroleum or petroleum constituents are detected in an inhabitable building in levels greater than long term, risk-based exposure for contaminants of concern.

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(C) Petroleum or petroleum constituents are detected in a drinking water well at or above maximum contamination levels (MCLs) or RISC residential ground water cleanup objectives at the point of compliance or at the tap.

(2) If the administrator determines, based on the most recent information submitted to the administrator, that one (1) of the following has occurred and is attributable to the release, then the release is considered a category 2 release and claims for that release shall be paid after all approved claims for category 1 releases are paid as provided in subdivision (1):

(A) Petroleum or petroleum constituents are detected in free phase in a thickness of at least one (1) foot in any one (1) well, or at least one (1) inch in two (2) or more wells where the wells are at least twenty (20) feet apart, provided that the wells are not screened in the underground storage tank cavity backfill.

(B) Petroleum or petroleum constituents are detected in surface water above water quality standards under rules of the water pollution control board at 327 IAC 2.

(3) If the administrator determines, based on the most recent information submitted to the administrator, that one (1) of the following has occurred and is attributable to the release, then the release is considered a category 3 release and claims for that release shall be paid after all approved claims for category 2 releases are paid as provided in subdivision (2):

(A) Petroleum or petroleum constituents are detected off-site in ground water at concentrations exceeding RISC cleanup standards appropriate for the land use of the off-site location.

(B) Petroleum or petroleum constituents are detected off-site in soil at concentrations exceeding RISC cleanup standards appropriate for the land use of the off-site location.

(C) Petroleum or petroleum constituents are present in free phase in a thickness of at least one-sixteenth ($1/16$) inch in any well.

(D) Petroleum or petroleum constituents, attributable to a gasoline release, are detected in the ground water at concentrations exceeding RISC cleanup standards for the appropriate land use. For the purposes of this clause, gasoline is defined as set forth in 45 IAC 12-1-7.

(4) If the administrator determines, based on the most recent information submitted to the administrator, that one (1) of the following has occurred and is attributable to the release, then the release is considered a category 4 release and claims for that release shall be paid after all approved claims for category 3 releases are paid as provided in subdivision (3) of this rule:

(A) Petroleum or petroleum constituents are detected in on-site ground water at concentrations exceeding RISC industrial cleanup standards in two (2) or more wells, where the wells are at least twenty (20) feet apart,

where neither well is screened in the underground storage tank cavity backfill.

(B) Petroleum or petroleum constituents are detected in on-site soil at concentrations exceeding RISC industrial cleanup standards in at least two (2) boring holes at least twenty (20) feet apart.

(5) A release that does not qualify as a category 1, 2, 3, or 4 category will be considered a category 5 release.

(6) Claims in the same category will be paid in chronological order according to the date and time received by the administrator as indicated by the date and time stamped by the administrator on the claim submitted to the administrator.

(d) Releases shall be initially categorized according to those conditions that existed at the time the first claim was submitted after prioritization was initiated.

(e) Claims determined to be unreimbursable may be revised and resubmitted to the fund. The date and time of the revised claim for the purposes of [subsection] (c)(6) shall be based on the date and time that the fund administrator receives the revised claim as indicated by the date and time stamped by the administrator on the claim submitted to the administrator.

(f) An applicant may request a review of a denial of payment using the procedures set forth in IC 13-23-9-4.

(g) Categorization of a release or placement of a claim on a priority list does not constitute a commitment to reimburse corrective action or third party liability costs. (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-4-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1055; filed Nov 1, 1995, 8:30 a.m.: 19 IR 347; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 799; filed Aug 30, 2004, 9:40 a.m.: 28 IR 137*)

SECTION 21. 328 IAC 1-4-1.5 IS ADDED TO READ AS FOLLOWS:

328 IAC 1-4-1.5 Transition to the prioritization procedure under this rule

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-9-4

Sec. 1.5. All releases with unpaid claims submitted to the department on or after the date this section becomes effective, will be categorized or recategorized under this rule, as amended in 2004. (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-4-1.5; filed Aug 30, 2004, 9:40 a.m.: 28 IR 140*)

SECTION 22. 328 IAC 1-4-3 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-4-3 Recategorization of releases

Authority: IC 13-14-8

Affected: IC 13-23-9-2; IC 13-23-9-4

Sec. 3. (a) Except for environmental emergencies, initial claims shall be ranked according to those conditions which existed at the time the corrective action was commenced. Claims determined to be of identical priority shall be ranked according to the date that an acceptable claim was received by the fund.

(b) Subsequent claims may be reprioritized based on the environmental threat present during the time period for which additional reimbursement is being claimed.

(c) The administrator shall notify claimants within sixty (60) days after the receipt of their claims whether their claims shall be approved for payment. If a claim is determined to be unacceptable or ineligible after reviewing the submitted information in accordance with IC 13-23-9-2, the administrator shall notify the owner or operator within ten (10) days of the denial and inform the claimant of the reasons for which the claim was rejected.

(d) Claims determined to be unacceptable may be revised and resubmitted to the fund. The priority ranking process of the revised claim shall be based on the date that the fund receives the revised claim.

(e) A claimant may request a review of a denial of payment using the procedures set forth in IC 13-23-9-4.

(a) To assure the efficient administration of the fund, the administrator may recategorize a release at any time that it is determined a release has been incorrectly categorized:

- (1) The administrator will notify the applicant by mail of the new category.
- (2) The applicant may petition the administrator to be put in a lower number category, with category 1 being the lowest, based on new information.
- (3) If the administrator approves placement in a lower number category, the applicant may seek reimbursement under the new category for any costs incurred subsequent to the placement in the new category.
- (4) If the administrator approves placement in a higher number category with 5 being the highest category, the applicant has fifteen (15) days after the date of the notification to submit current costs under the new category.

(b) Releases may be recategorized based on:

- (1) the current environmental conditions;
- (2) information indicating the elimination or abatement of the condition or conditions that led to the placement of a release in a category;
- (3) other information available to the administrator

demonstrates that recategorization is appropriate; or
 (4) the discovery of the event that led to the placement in a lower category with category 1 being the lowest.

(c) Except as provided in section 1.5 and section 3(a) of this rule, the priority of a claim is determined by the category of the release at the time the claim is approved by the administrator and by section 1(c)(6) of this rule. (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-4-3; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1055; filed May 25, 1999, 4:31 p.m.: 22 IR 3103; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Aug 30, 2004, 9:40 a.m.: 28 IR 141*)

SECTION 23. 328 IAC 1-4-4 IS ADDED TO READ AS FOLLOWS:

328 IAC 1-4-4 Monthly reimbursement

Authority: IC 13-14-8

Affected: IC 13-23-7-2; IC 13-23-9-2; IC 13-23-9-4

Sec. 4. After priority payment under section 1(a)(2) [of this rule] is initiated, the total amount reimbursed from the fund in any calendar month must not exceed the fund revenue of the previous month, less the administrative expenses of the fund. However, the administrator must adjust the total amount reimbursed from the fund in any calendar month as necessary to maintain a fund balance of at least five million dollars (\$5,000,000). For purposes of this section, the term "fund revenue" means any or all sources of money as described in IC 13-23-7-2. (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-4-4; filed Aug 30, 2004, 9:40 a.m.: 28 IR 141*)

SECTION 24. 328 IAC 1-4-5 IS ADDED TO READ AS FOLLOWS:

328 IAC 1-4-5 Discontinuation of prioritization

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7

Affected: IC 13-23-9-4

Sec. 5. (a) At any time after the administrator has invoked prioritization procedures, the administrator may discontinue the categorization of releases and the prioritization of claims if the administrator determines that the unencumbered balance, less the unpaid, approved claims for reimbursable costs and third party liability is greater than twenty-five million dollars (\$25,000,000).

(b) In the event that monies are deposited in or appropriated to the fund in an amount exceeding twenty-five million dollars (\$25,000,000) in any calendar month, the administrator shall first apply such monies to restore the balance of the fund to an unencumbered balance, less the unpaid, approved claims for reimbursable costs and third party liability, of twenty-five million dollars (\$25,000,000). In that event, the administrator shall discontinue the prioritization

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procedures. (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-4-5; filed Aug 30, 2004, 9:40 a.m.: 28 IR 141*)

SECTION 25. 328 IAC 1-5-1 IS AMENDED TO READ AS FOLLOWS:

Rule 5. Claims

328 IAC 1-5-1 Applications for payment of reimbursable costs

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 1. (a) Claim applications for reimbursement of ~~corrective action costs~~ shall be submitted on forms adopted by the administrator. ~~Claimants~~ **Applicants** shall itemize all ~~charges~~ **reimbursable costs** as required by the application package. Documentation of ~~expenses~~ **reimbursable costs** as required by the administrator must be submitted as part of the application. **The administrator may request additional information and records to substantiate claims submitted including the following:**

- (1) **A copy of original employee time sheets.**
- (2) **Invoices relating to purchase or other acquisition of equipment and supplies used for corrective action.**
- (3) **Copies of requests for bids for work specified in the CAP.**

(b) The application shall contain the following statement, which shall be signed and attested by the person applying to the fund: "I swear or affirm to the best of my knowledge and belief that the costs presented herein represent the ~~actual~~ **reimbursable costs actually** incurred in the performance of **site characterization or** corrective action related to this site during the period of time indicated on this application. I also swear or affirm that all charges presented as part of this application were necessary to the performance of **site characterization or** corrective action." **If the person applying has been assigned the right to reimbursement under this rule, the person who assigned that right shall also sign and attest the application.**

(c) Two (2) copies of all documents required by the administrator shall be submitted by the person applying to the fund to support the application. Original documents must be kept by the person applying to the fund for a minimum of four (4) years after the date the application for payment was submitted or four (4) years after completion of corrective action, whichever is later.

(d) A single claim application may not be submitted to the fund for reimbursement in an amount less than **five thousand dollars (\$5,000) unless the claim is one (1) of the following:**

- (1) **Initial claim may be submitted for any amount, including \$0/eligibility preapproval claims.**
- (2) **Subsequent claims, five thousand dollars (\$5,000) unless the claim is:**

(A) (1) The final application for that incident **and the claim is identified as such.**

(B) for a third party liability claim; or

(C) (2) **A claim** for costs incurred over a period of four (4) ~~six (6) months or longer: from the date of the last claim.~~

(3) ~~Persons applying to the fund may resubmit claims in any amount if the costs were disallowed for lack of backup documentation:~~

Persons applying to the fund shall identify the final application as such:

(3) **A claim made within fifteen (15) days of a release being categorized to a lower category, with one (1) being the highest category, under 328 IAC 1-4.**

(4) **Zero dollars (\$0)/eligibility preapproval claims.**

(e) **Claims that had costs disallowed may be resubmitted with subsequent claims; however, the portion of the claim that was previously submitted must be identified as being previously submitted and include the dollar value of the original claim.** (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-5-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1056; filed Nov 1, 1995, 8:30 a.m.: 19 IR 349; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 801; filed Aug 30, 2004, 9:40 a.m.: 28 IR 142*)

SECTION 26. 328 IAC 1-5-2 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-5-2 Fund payment procedures; eligibility preapproval

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-9-2; IC 13-23-9-4

Sec. 2. (a) Contingent on the availability of monies as determined by 328 IAC 1-2-3, the administrator shall authorize payment upon determining that the requirements of IC 13-23-9-2 have been met. **Payment will be made as follows:**

(b) ~~Processing and payment of claims are contingent upon the availability of monies:~~

(C) (1) When a person applying to the fund submits an application under section 1 of this rule, which includes ~~expenses~~ **reimbursable costs** for which that person has not made payment, then payment shall be made by check jointly to the person applying to the fund and the contractor involved.

(D) (2) When a person applying to the fund submits documentation verifying that ~~that the person has paid for incurred~~ **reimbursable costs, of corrective action;** payment shall be made by check directly to that person.

(b) **A determination under this rule is appealable under IC 13-23-9-4.**

(C) (c) A person who may apply to the fund under 328 IAC 1-3-1 may seek preapproval of a site's eligibility to have ~~corrective action~~ **reimbursable costs reimbursed or third party**

liability claims paid from the fund. (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-5-2; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1056; filed May 25, 1999, 4:31 p.m.: 22 IR 3103; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 801; filed Aug 30, 2004, 9:40 a.m.: 28 IR 142*)

SECTION 27. 328 IAC 1-5-3 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-5-3 Deemed approved; reimbursement of costs

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-8-4

Sec. 3. “Deemed approved”, under IC 13-23-8-4, means that the ~~department~~ **administrator** shall consider the CAP approved solely for purposes of reimbursement of ~~reasonable reimbursable~~ **costs** from the fund. A CAP having been deemed approved shall in no way relieve the person applying to the fund of the obligation to ~~comply~~ **be in substantial compliance** with all applicable rules or department standards. **A deemed approved CAP shall be superseded by the administrator’s issuance of a determination on the CAP.** (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-5-3; filed Oct 17, 2001, 4:30 p.m.: 25 IR 802; filed Aug 30, 2004, 9:40 a.m.: 28 IR 143*)

SECTION 28. 328 IAC 1-6-1 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-6-1 Applications for payment of third party liability claims

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23-8-3

Sec. 1. (a) Applications for reimbursement of third party liability claims against owners or operators shall be submitted on approved forms established by the ~~department.~~ **administrator.** The ~~claimant applicant~~ **claimant applicant** must attach either a certified copy of a legally enforceable final judgment against the owner or operator or a reasonable settlement between the owner or operator and the third party.

(b) The owner or operator must submit proof of payment of the deductible amount under IC 13-23-8-3.

(c) When submitting an application to the administrator under subsection (a), the owner or operator must also forward a copy of the request to the attorney general.

(d) The minimum single claim amount contained in 328 IAC 1-5-1(d)(1) does not apply to third party liability claims. (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-6-1; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1057; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 802; filed Aug 30, 2004, 9:40 a.m.: 28 IR 143*)

SECTION 29. 328 IAC 1-6-2 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-6-2 Fund payment procedures for third party liability

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-11-2-193.5; IC 13-23-9-3

Sec. 2. (a) If the attorney general determines that the requirements under IC 13-23-9-3 have been met, the attorney general shall approve a request for ~~indemnification~~ **payment** of a third party **liability claim** not later than sixty (60) days after receiving the request. **The administrator shall thereafter pay the approved third party liability claim in accordance with this rule:**

- (1) if sufficient monies exist after other obligations have been met under 328 IAC 1-2-3;
- (2) based upon ~~priority~~ **the category of the release and ranking of the site claim** under 328 IAC 1-4 if applicable; and
- (3) if the administrator determines that the owner or operator is in compliance with the requirements of IC 13-23 and rules adopted thereunder.

(b) When an ~~owner or operator~~ **owner or operator** submits an acceptable ~~application for indemnification~~ **application for indemnification** of a third party **liability claim is approved by the attorney general** but the claim has not already been paid by the owner or operator, then payment shall be made jointly by check to the eligible owner or operator and the third party.

(c) When an ~~eligible owner or operator~~ **eligible owner or operator** submits an acceptable ~~application for indemnification~~ **application for indemnification** of a third party ~~along with liability claim is approved by the attorney general and the owner or operator submits to the administrator~~ **documentation verifying that the owner or operator has paid the third party liability claim, payment shall be made directly to the eligible owner or operator.**

(d) Third party liability claims subject to ~~review~~ **approval** by the attorney general shall include the reasonable fees or compensation paid to ~~obtain~~ **for any of the following:**

- (1) Access to properties not controlled by the ~~claimant applicant, if not submitted as a reimbursable cost under 328 IAC 1-3-5.~~ **claimant applicant, if not submitted as a reimbursable cost under 328 IAC 1-3-5.**
- (2) Institutional **and engineered** controls **for off-site properties**, including, but not limited to, ~~deed restrictions required by risk integrated system of closure (RISC); or restrictive covenants as defined under IC 13-11-2-193.5.~~ **restrictions required by risk integrated system of closure (RISC); or restrictive covenants as defined under IC 13-11-2-193.5.**
- (~~3~~) subdivisions (~~1~~) and (~~2~~).
- (3) **Attorney’s fees, not to exceed twenty-five percent (25%) of the total claim or thirty thousand dollars (\$30,000), whichever is less, shall only be payable if incurred by the owner or operator in defense of a third party liability claim.**

(*Underground Storage Tank Financial Assurance Board; 328*

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IAC 1-6-2; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1057; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 802; filed Aug 30, 2004, 9:40 a.m.: 28 IR 143)

SECTION 30. 328 IAC 1-7-2 IS AMENDED TO READ AS FOLLOWS:

328 IAC 1-7-2 Termination of financial assurance

Authority: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7
Affected: IC 13-23

Sec. 2. ~~¶~~ After consultation with the financial assurance board, the ~~department determines~~ **administrator may determine** that ~~insufficient monies exist to the fund does not~~ provide owners or operators evidence of financial assurance. The ~~department administrator~~ shall notify all fund participants by certified mail. The fund coverage will continue for sixty (60) days after notice of ~~termination of coverage: insufficient funds to provide for financial assurance.~~ Owners or operators shall have ~~sixty (60) thirty (30)~~ days after receipt of the notice of ~~termination of financial assurance insufficient funds~~ to acquire financial assurance ~~by other means: as required under 329 IAC 9-8.~~ **Owners and operators shall provide proof of financial responsibility to the department. Invocation of prioritization under 328 IAC 1-4 does not constitute termination of financial assurance under this section.** (*Underground Storage Tank Financial Assurance Board; 328 IAC 1-7-2; filed Dec 4, 1992, 11:00 a.m.: 16 IR 1057; readopted filed Jan 10, 2001, 3:21 p.m.: 24 IR 1534; filed Oct 17, 2001, 4:30 p.m.: 25 IR 803; filed Aug 30, 2004, 9:40 a.m.: 28 IR 144*)

SECTION 31. THE FOLLOWING ARE REPEALED: 328 IAC 1-1-8; 328 IAC 1-7-3.

LSA Document #02-204(F)

Proposed Rule Published: June 1, 2004; 27 IR 2769

Hearing Held: July 8, 2004

Approved by Attorney General: August 13, 2004

Approved by Governor: August 27, 2004

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IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: 41 CFR 301-10.302 through 41 CFR 301-10.308, July 1, 2003 Edition.

TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #01-161(F)

DIGEST

Amends 329 IAC 9 concerning underground storage tanks to

clarify language and requirements, to add new definitions, to repeal some definitions and renumber to alphabetize additional definitions, to add appropriate changes to make the rule consistent with IC 13-12-3-2 and 328 IAC 1, the excess liability trust fund rules, to reorganize and clarify Rule 6, the closure of UST systems, to delete "modified closure" and the accompanying requirements, to relocate several sections to be consistent with the federal regulations and appropriate procedures, and to update incorporation by reference documents. *NOTE: Under IC 4-22-2-40, LSA Document #01-161, printed at 26 IR 1201, was recalled by the Solid Waste Management Board, resubmitted for publication, and reprinted at 27 IR 3171.* Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: June 1, 2001, Indiana Register (24 IR 2917).

Second Notice of Comment Period: June 1, 2002, Indiana Register (25 IR 2900).

Notice of First Hearing: June 1, 2002, Indiana Register (25 IR 2926).

Date of First Hearing: October 15, 2003.

Proposed Rule: January 1, 2003, Indiana Register (26 IR 1201).

Notice of Second Hearing and Third Comment Period: January 1, 2003, Indiana Register (26 IR 1201).

Change in Notice of Public Hearing: August 1, 2003 (26 IR 3671), hearing continued to October 21, 2003.

Date of Second Hearing: October 21, 2003.

Notice of Recall: May 1, 2004, Indiana Register (27 IR 2500).

Notice of First Hearing: April 1, 2004, Indiana Register (27 IR 2299).

Date of First Hearing: April 20, 2004.

Proposed Rule: July 1, 2004, Indiana Register (27 IR 3171)

Notice of Second Hearing: July 1, 2004, Indiana Register (27 IR 3209).

Date of Second Hearing: July 20, 2004.

329 IAC 9-1-1	329 IAC 9-1-41.5
329 IAC 9-1-4	329 IAC 9-1-42.1
329 IAC 9-1-10.1	329 IAC 9-1-47
329 IAC 9-1-10.2	329 IAC 9-1-47.1
329 IAC 9-1-10.4	329 IAC 9-2-1
329 IAC 9-1-10.6	329 IAC 9-2-2
329 IAC 9-1-10.8	329 IAC 9-2.1-1
329 IAC 9-1-14	329 IAC 9-3-1
329 IAC 9-1-14.1	329 IAC 9-3-2
329 IAC 9-1-14.3	329 IAC 9-3.1-1
329 IAC 9-1-14.5	329 IAC 9-3.1-2
329 IAC 9-1-14.7	329 IAC 9-3.1-3
329 IAC 9-1-25	329 IAC 9-3.1-4
329 IAC 9-1-27	329 IAC 9-4-3
329 IAC 9-1-29.1	329 IAC 9-4-4
329 IAC 9-1-36	329 IAC 9-5-1
329 IAC 9-1-36.5	329 IAC 9-5-2
329 IAC 9-1-39.5	329 IAC 9-5-3.1
329 IAC 9-1-41	329 IAC 9-5-3.2
329 IAC 9-1-41.1	329 IAC 9-5-4.1

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|------------------------|----------------------|
| 329 IAC 9-5-4.2 | 329 IAC 9-6-4 |
| 329 IAC 9-5-5.1 | 329 IAC 9-6-5 |
| 329 IAC 9-5-6 | 329 IAC 9-7-1 |
| 329 IAC 9-5-7 | 329 IAC 9-7-2 |
| 329 IAC 9-6-1 | 329 IAC 9-7-4 |
| 329 IAC 9-6-2 | 329 IAC 9-7-5 |
| 329 IAC 9-6-2.5 | 329 IAC 9-7-6 |
| 329 IAC 9-6-3 | |

SECTION 1. 329 IAC 9-1-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-1-1 Applicability

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-12-3-2; IC 13-23

Sec. 1. (a) ~~The requirements of This article apply~~ **applies** to all owners and operators of ~~a an~~ UST system as defined in section 49 of this rule, except as otherwise provided in subsections (b) ~~(c)~~, ~~and~~ **through** (d). Any UST system listed in subsection (c) shall meet the requirements of section 1.1 of this rule. Nothing in this article shall be construed to conflict with, circumvent, rescind, or repeal any authority, power, or duty possessed by the office of the state fire marshal under Indiana law.

(b) The following UST systems are excluded from the requirements of this article:

- (1) Any UST system holding:
 - (A) hazardous wastes regulated under Subtitle C (42 U.S.C. 6921 through 42 U.S.C. 6939b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq., in effect on September 30, 1996; or
 - (B) a mixture of such hazardous waste and other regulated substances.
- (2) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 (33 U.S.C. 1342) or 307(b) (33 U.S.C. 1317(b)) of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., in effect on October 31, 1994.
- (3) Equipment or machinery that contains regulated substances for operational purposes and that may include any of the following:
 - (A) Hydraulic lift tanks.
 - (B) Electrical equipment tanks.
- (4) Any UST system whose capacity is one hundred ten (110) gallons or less, except an owner and operator with two (2) or more UST systems on-site whose individual capacities are one hundred ten (110) gallons or less are not excluded if the total capacity of all tanks on-site containing the same product exceeds one hundred ten (110) gallons.
- (5) Any UST system that contains a de minimis concentration of regulated substances.
- (6) Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

(c) 329 IAC 9-2 through 329 IAC 9-4, 329 IAC 9-6, and 329 IAC 9-7 do not apply to any of the following types of UST systems:

- (1) Wastewater treatment tank systems.
- (2) Any UST system containing radioactive material that is regulated under the Atomic Energy Act of 1954, 42 U.S.C. 2011, et seq., as amended, in effect on April 26, 1996.
- (3) Any UST system that is part of an emergency generator system at a nuclear power generation facility regulated by the Nuclear Regulatory Commission under 10 CFR 50, Appendix A.
- (4) Airport hydrant fuel distribution systems.
- (5) UST systems with field-constructed tanks.

(d) 329 IAC 9-7 does not apply to any UST system that stores fuel solely for use by emergency power generators.

(e) Unless specified in the ~~incorporated by reference~~ documents incorporated **by reference** in this article, the version of documents referenced in the incorporated by reference documents is the latest version that is in effect on the date of final adoption of the incorporated by reference documents into **a section of this article.**

(f) Owners or operators:

- (1) performing a task or measure before the effective date of the 2004 amendments to this article; or**
- (2) taking an action, such as submitting reports, plans, or notifications received by the agency on a date before the effective date of the 2004 amendments to this article; will be governed by this article before it was amended in 2004.**

(g) Owners or operators completing any requirement of this article, including:

- (1) performing a task or measure on or after the effective date of the 2004 amendments to this article; or**
- (2) taking an action, such as submitting reports, plans, or notifications received by the agency on a date on or after the effective date of the 2004 amendments to this article; will be governed by this article as amended in 2004.** (*Solid Waste Management Board; 329 IAC 9-1-1; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1062; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3683; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 145*)

SECTION 2. 329 IAC 9-1-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-1-4 “Agency” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 4. “Agency” means the department of environmental management. ~~underground storage tank branch.~~ This definition is not applicable under 329 IAC 9-8. (*Solid Waste Management Board; 329 IAC 9-1-4; filed Dec 1, 1992, 5:00 p.m.: 16 IR*

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1063; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3685; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 145)

SECTION 3. 329 IAC 9-1-10.4 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-1-10.4 “Change-in-service” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 10.4. “Change-in-service” means continued use of the UST or UST system to store a nonregulated substance. (*Solid Waste Management Board; 329 IAC 9-1-10.4; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146*)

SECTION 4. 329 IAC 9-1-10.6 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-1-10.6 “Chemical of concern” or “COC” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 10.6. “Chemical of concern” or “COC” means the parameter to be analyzed as a possible contaminant. (*Solid Waste Management Board; 329 IAC 9-1-10.6; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146*)

SECTION 5. 329 IAC 9-1-10.8 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-1-10.8 “Closure” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-13-1-1; IC 13-23

Sec. 10.8. “Closure” means the owner or operator has met all the program requirements of 329 IAC 9-6. The term does not imply that the site is completely free of contaminants. Some acceptable level of contaminants may still be on-site. (*Solid Waste Management Board; 329 IAC 9-1-10.8; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146*)

SECTION 6. 329 IAC 9-1-14 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-1-14 “Consumptive use” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-11-2-241; IC 13-13-1-1; IC 13-23

Sec. 14. “Consumptive use”, with respect to heating oil, means consumed on the premises on which the tank is stored. The heating oil exclusion under IC 13-11-2-241(b)(2) does not apply to the storage of heating oil for resale, marketing, or distribution. (*Solid Waste Management Board; 329 IAC 9-1-14; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1064; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146*)

SECTION 7. 329 IAC 9-1-14.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-1-14.3 “Contaminant” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-11-2-42; IC 13-13-1-1; IC 13-23

Sec. 14.3. “Contaminant” has the meaning set forth at IC 13-11-2-42. However, for purposes of this article, the term does not include hazardous waste regulated under 329 IAC 3.1. (*Solid Waste Management Board; 329 IAC 9-1-14.3; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146*)

SECTION 8. 329 IAC 9-1-14.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-1-14.5 “Corrective action” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 14.5. “Corrective action” means action taken to minimize, contain, eliminate, remediate, mitigate, or clean up a release, including emergency measures taken as part of an initial response to the release under 329 IAC 9-5-2. (*Solid Waste Management Board; 329 IAC 9-1-14.5; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146*)

SECTION 9. 329 IAC 9-1-14.7 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-1-14.7 “Corrective action plan” or “CAP” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 14.7. “Corrective action plan” or “CAP” means the corrective action plan described under 329 IAC 9-5-7(a) through 329 IAC 9-5-7(b). (*Solid Waste Management Board; 329 IAC 9-1-14.7; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146*)

SECTION 10. 329 IAC 9-1-25 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-1-25 “Hazardous substance UST system” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 25. “Hazardous substance UST system” means a an UST system that contains any of the following:

- (1) A hazardous substance that is:
 - (A) defined in Section 101(14) of CERCLA (42 U.S.C. 9601(14)); and
 - (B) not regulated as a hazardous waste under 329 IAC 3.1.
- (2) Any mixture of such substances specified in subdivision (1)(A) or (1)(B) and petroleum and which that is not a petroleum UST system.

(*Solid Waste Management Board; 329 IAC 9-1-25; filed Dec 1,*

1992, 5:00 p.m.: 16 IR 1065; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3690; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146)

SECTION 11. 329 IAC 9-1-27 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-1-27 “Hydraulic lift tank” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 27. “Hydraulic lift tank” means a tank that holds hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate any of the following:

- (1) Lifts.
- (2) Elevators.
- (3) ~~Other similar~~ Devices similar to those in subdivision (1) or (2).

(Solid Waste Management Board; 329 IAC 9-1-27; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1066; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3691; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 147)

SECTION 12. 329 IAC 9-1-36 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-1-36 “Petroleum UST system” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 36. “Petroleum UST system” means a an UST system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing any of the following:

- (1) Motor fuels.
- (2) Jet fuels.
- (3) Distillate fuel oils.
- (4) Residual fuel oils.
- (5) Lubricants.
- (6) Petroleum solvents.
- (7) Used oils.

(Solid Waste Management Board; 329 IAC 9-1-36; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1066; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3692; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 147)

SECTION 13. 329 IAC 9-1-36.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-1-36.5 “Piezometer” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 36.5. “Piezometer” means a type of monitoring well or other device that is constructed for the purpose of measuring hydraulic head in the ground water. (Solid Waste

Management Board; 329 IAC 9-1-36.5; filed Aug 30, 2004, 9:35 a.m.: 28 IR 147)

SECTION 14. 329 IAC 9-1-39.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-1-39.5 “Removal closure” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 39.5. “Removal closure” means a closure where an UST system is completely extracted. (Solid Waste Management Board; 329 IAC 9-1-39.5; filed Aug 30, 2004, 9:35 a.m.: 28 IR 147)

SECTION 15. 329 IAC 9-1-41.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-1-41.5 “SARA” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 41.5. “SARA” means the Superfund Amendments and Reauthorization Act of 1986, as amended, 42 U.S.C. 9601, et seq., in effect on September 30, 1996, that amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. (Solid Waste Management Board; 329 IAC 9-1-41.5; filed Aug 30, 2004, 9:35 a.m.: 28 IR 147)

SECTION 16. 329 IAC 9-1-47 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-1-47 “Underground release” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 47. “Underground release” means any ~~belowground~~ release **beneath the ground surface.** (Solid Waste Management Board; 329 IAC 9-1-47; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1068; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 147)

SECTION 17. 329 IAC 9-1-47.1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-1-47.1 “Underground storage tank” or “UST” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-11-2-241

Sec. 47.1. “Underground storage tank” or “UST” has the meaning as set forth in IC 13-11-2-241. (Solid Waste Management Board; 329 IAC 9-1-47.1; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3694; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 147)

SECTION 18. 329 IAC 9-2-1 IS AMENDED TO READ AS FOLLOWS:

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329 IAC 9-2-1 New UST systems

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

Affected: IC 13-23; IC 25-31-1

Sec. 1. In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all owners and operators of new UST systems shall meet the following requirements:

(1) Each tank must be properly designed and constructed, and any portion underground that routinely contains product must be protected from corrosion as specified under one (1) of the following:

(A) The tank is constructed of fiberglass-reinforced plastic and meets one (1) of the following:

(i) Underwriters Laboratories Standard 1316, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohol, and Alcohol-Gasoline Mixtures", ~~1994~~, revised 1996, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(ii) Underwriters Laboratories of Canada ~~CAN4-S615-M83~~, **CAN/ULC-S615-1998**, "Standard for Reinforced Plastic Underground Tanks for ~~Petroleum Products~~", ~~1983~~, **Flammable and Combustible Liquids**", 1998, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.

(iii) ASTM D4021-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks", revised 1992, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

(B) The tank is constructed of steel and cathodically protected in the following manner:

(i) The tank is coated with a suitable dielectric material and is cathodically protected.

(ii) Field-installed impressed current systems are designed by a corrosion expert to allow determination of current operating status under 329 IAC 9-3.1-2(3).

(iii) Cathodic protection systems are operated and maintained under 329 IAC 9-3.1-2.

(iv) The tank complies with one (1) or more of the following:

(AA) Steel Tank Institute "sti-P₃® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks", STI-P3-98, revised 1998, Steel Tank Association, 570 Oakwood Road, Lake Zurich, Illinois 60047.

(BB) Underwriter Laboratories Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks", ~~1993~~, 2000, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(CC) Underwriters Laboratories of Canada ~~CAN4-S603-M85~~, **CAN/ULC-S603-92**, "Standards for Steel Underground Tanks for Flammable and Combustible Liquids", 1992, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.

(DD) Underwriter Laboratories of Canada ~~CAN4-603-1-M85~~, **CAN/ULC-S603.1-92**, "Standard for Galvanic Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids", 1992, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.

(EE) Underwriters Laboratories of Canada ~~CAN4-S631-M84~~, "Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems", 1992, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.

(FF) NACE International (formerly the National Association of Corrosion Engineers) Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(GG) Underwriters Laboratories Standard 58, "Steel Underground Tanks for Flammable and Combustible Liquids", ~~1986~~, 1998, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(C) The tank is constructed of a steel-fiberglass-reinforced-plastic composite and complies with one (1) or more of the following:

(i) Underwriters Laboratories Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks", ~~1993~~, 2000, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(ii) Association for Composite Tanks ACT-100®, "Specification for External Corrosion Protection of FRP Composite Steel USTs, F894-98", revised 1998, Steel Tank Association, 570 Oakwood Road, Lake Zurich, Illinois 60047.

(D) The tank is constructed of metal without additional corrosion protection measures provided that the following requirements are completed:

(i) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life.

(ii) The owner and operator shall demonstrate that soil resistivity in an installation location is twelve thousand (12,000) ohms per centimeter or greater by using one (1) of the following:

(AA) ASTM Standard ~~G57-78~~, **G57-95a**, "Standard Test Method for Field Measurement of Soil Resistivity Using the Wenner Four-Electrode Method", revised ~~1978~~, 1995, reapproved ~~1984~~, 2001, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

(BB) A standard approved by the commissioner that exhibits the same or greater degree of reliability and accuracy as ASTM Standard ~~G57-78~~ **G57-95a** cited in subitem (AA).

(iii) The owner and operator shall maintain records that demonstrate compliance with items (i) and (ii) for the remaining life of the tank.

(E) The tank construction and corrosion protection are determined by the commissioner to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than clauses (A) through (D).

(2) The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion. The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion as specified under one (1) of the following:

(A) The piping is constructed of fiberglass-reinforced plastic and complies with one (1) or more of the following:

(i) Underwriters Laboratories Standard 971, "Nonmetallic Underground Piping for Flammable Liquids", 1995, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(ii) Underwriters Laboratories Standard 567, **revised 2001**, "Pipe Connectors for Petroleum Products and LP Gas", Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(iii) Underwriters Laboratories of Canada Subject ~~€107C-M1984~~ **Guide for CAN/ORD-C 107.7-1993** "Glass Fibre Reinforced Plastic Pipe and Fittings for Flammable and Combustible Liquids", **1993 First Edition**, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.

(iv) Underwriters Laboratories of Canada Standard ~~CAN4-S633-M84~~, **CAN/ULC-S633-99**, "Flexible Underground Hose Connectors for Flammable and Combustible Liquids", **1999**, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.

(B) The piping is constructed of steel and cathodically protected in the following manner:

(i) The piping is coated with a suitable dielectric material and is cathodically protected.

(ii) Field-installed impressed current systems are designed by a corrosion expert to allow determination of current operating status under 329 IAC 9-3.1-2(3).

(iii) Cathodic protection systems are operated and maintained under 329 IAC 9-3.1-2.

(iv) The piping system meets one (1) or more of the following:

(AA) ~~Article 79~~, "Flammable and Combustible Liquids", of the ~~1998~~ Indiana Fire Code under rules of the fire prevention and building safety commission at ~~675 IAC 22-2-2~~. **675 IAC 22**.

(BB) American Petroleum Institute Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fifth Edition, March 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(CC) American Petroleum Institute Recommended

Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Third Edition, May 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(DD) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0169-96, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", ~~1992~~ **1996** Edition, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(C) The piping is constructed of metal without additional corrosion protection measures provided that the following requirements are completed:

(i) The piping is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life.

(ii) The owner and operator shall demonstrate that soil resistivity in an installation location is twelve thousand (12,000) ohms per centimeter or greater by using one (1) of the following:

(AA) ASTM Standard ~~G57-78~~, **G57-95a**, "Standard Test Method for Field Measurement of Soil Resistivity Using the Wenner Four-Electrode Method", revised ~~1978; 1995~~, reapproved ~~1984~~. **2001**. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

(BB) A standard approved by the commissioner that exhibits the same or greater degree of reliability and accuracy as ASTM Standard ~~G57-78~~ **G57-95a** cited in subitem (AA).

(iii) The piping complies with one (1) or more of the following:

(AA) ~~Article 79~~, "Flammable and Combustible Liquids", of the ~~1998~~ Indiana Fire Code under rules of the fire prevention and building safety commission at ~~675 IAC 22-2-2~~. **675 IAC 22**.

(BB) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0169-96, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", ~~1992~~ **1996** Edition, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(iv) The owner and operator shall maintain records that demonstrate compliance with items (i) and (ii) for the remaining life of the piping.

(D) The piping is equipped with secondary containment that includes one (1) of the following:

(i) Double-walled piping that consists of an outer wall constructed of a dielectric material.

(ii) Vaulted piping.

(E) The piping construction and corrosion protection are determined by the commissioner to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than clauses (A) through (D).

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(3) The following spill and overfill requirements must be completed:

(A) Except as provided in clause (B), the owner and operator shall use the following spill and overfill prevention equipment to prevent spilling and overfilling associated with product transfer to the UST system:

(i) Spill prevention equipment that prevents the release of product to the environment when the transfer hose is detached from the fill pipe as one (1) of the following:

(AA) Minimum five (5) gallon spill catchment basin with drain to tank.

(BB) Minimum twenty-five (25) gallon spill catchment basin without drain to tank.

(ii) Overfill prevention equipment that completes one (1) of the following:

(AA) Automatically shuts off flow into the tank when the tank is no more than ninety-five percent (95%) full.

(BB) Alerts the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high level alarm.

(CC) Restricts flow thirty (30) minutes prior to overfilling, alerts the transfer operator with a high level alarm one (1) minute before overfilling, or automatically shuts off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.

(B) The owner and operator are not required to use the spill and overfill prevention equipment specified in clause (A) if one (1) of the following is completed:

(i) Alternative equipment is used that is determined by the commissioner to be no less protective of human health and the environment than the equipment specified in clause (A).

(ii) The UST system is filled by transfers of no more than twenty-five (25) gallons at one (1) time.

(C) A drop tube for deliveries must extend to within one (1) foot of the tank bottom.

(4) All tanks and piping must be installed properly in accordance with one (1) or more of the following:

(A) American Petroleum Institute Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fifth Edition, March 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(B) Petroleum Equipment Institute Publication ~~PEI/RP100-97~~, **PEI/RP100-2000**, "Recommended Practices for Installation of Underground Liquid Storage Systems", revised 1997, 2000, Petroleum Equipment Institute, P.O. Box 2380, Tulsa, Oklahoma 74101-2380.

(C) American National Standards Institute Standard ~~ANSI/ASME B31.3-1996~~, **ANSI/ASME B31.3-1999**, "Process Piping", 1996, 1999, American National Standards Institute, 11 West 42nd Street, New York, New York 10036. ~~ASME B31.3a-1996, addenda to ASME B31.3-1996 Edition, Process Piping, An American National~~

~~Standard, The American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017. ASME B31.3b-1997, addenda to ASME B31.3-1996 Edition, Process Piping, An American National Standard, the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017.~~

(D) American National Standards Institute Standard ~~ANSI/ASME B31.4-1992~~, "**Liquid ANSI/ASME B31.4-1998 Edition, "Pipeline Transportation Systems for Liquid Hydrocarbons Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols"**, 1992, and **Other Liquids"**, 1998, American National Standards Institute, 11 West 42nd Street, New York, New York 10036. ~~ASME B31.4a, addenda to ASME B31.4-1992 Edition, Pipeline Transportation Systems For Liquid Hydrocarbons and Other Liquids, An American National Standard, The American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017.~~

(5) The owner and operator shall ensure the following:

(A) The installer has been certified by the office of the state fire marshal under rules of the fire prevention and building safety commission at 675 IAC 12-12.

(B) One (1) or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with subdivision (4):

(i) The installer has been certified by the tank and piping manufacturers.

(ii) The installation has been inspected and certified by a registered professional engineer under IC 25-31-1 with education and experience in UST system installation.

(iii) The installation has been inspected and approved by one (1) of the following:

(AA) The agency.

(BB) The office of the state fire marshal.

(iv) The owner and operator have complied with another method for ensuring compliance with subdivision (4) that is determined by the commissioner to be no less protective of human health and the environment.

(C) The owner and operator shall provide a certification of compliance on the ~~underground storage tank~~ notification form under section 2 of this rule.

(Solid Waste Management Board; 329 IAC 9-2-1; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1068; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3695; errata filed Sep 10, 1999, 9:08 a.m.: 23 IR 26; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 148)

SECTION 19. 329 IAC 9-2-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-2-2 Notification requirements

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23-3

Sec. 2. (a) All notifications required to be submitted

under this section must be submitted on a form and in a format prescribed by the commissioner.

~~(a)~~ **(b)** Any owner person who brings a owns an UST system into use or tank shall, within thirty (30) days of owning such an UST system or tank or bringing such tank or UST system into use, submit notice to the agency to register the tank or UST system. using a form provided by the agency for this notification. **Bringing a tank or UST system “into use” means the tank or UST system contains or has contained a regulated substance and has not been closed under 329 IAC 9-6.**

~~(b)~~ **(c)** An owner required to submit notice under ~~subsection (a)~~ **this section** shall provide notice for each tank the owner owns. The owner may provide notice for several tanks at one (1) location using one (1) form. An owner with tanks located in more than one (1) place of operation shall submit a separate notification form for each separate place of operation.

~~(c)~~ **(d)** An owner required to submit notice under ~~subsection (a)~~ **the [sic., this] section** shall provide all the information required by the form provided by the agency for each tank for which notice is submitted.

~~(d)~~ **(e)** All owners and operators of new UST systems shall certify, on each notification form submitted, with original signature in ink, compliance with the following requirements:

- (1) Installation of all tanks and piping under section 1(5) of this rule.
- (2) Cathodic protection of steel tanks and piping under section 1(1) of this rule and section 1(2) of this rule.
- (3) Release detection under 329 IAC 9-7-2 and 329 IAC 9-7-3.
- (4) Financial responsibility under 329 IAC 9-8.

~~(e)~~ **(f)** All owners and operators of UST systems shall ensure that whoever performs tank system:

- (1) installations;
- (2) testing;
- (3) upgrades;
- (4) closures;
- (5) removals; and
- (6) change-in-service;

is certified by the office of the state fire marshal. The certified person who performs the work shall certify, by original signature in ink on the notification form provided by the agency, that the work performed complies with methods specified by section 1(4) of this rule.

~~(f)~~ **(g)** All owners and operators of UST systems who upgrade the tank system to meet upgrade requirements under 329 IAC 9-2.1 shall, within thirty (30) days of completing the upgrade, submit notice of the upgrade to the agency. ~~as required by subsection (a):~~

~~(g)~~ **(h)** All owners and operators of UST systems who:

(1) temporarily close a tank system under 329 IAC 9-6-5; or
 (2) ~~permanently close or perform a change-in-service on a~~ tank system under 329 IAC 9-6-1;
 shall, within thirty (30) days of completing such action, submit notice of this action to the agency. ~~as required by subsection (a):~~

~~(h)~~ **(i)** All owners and operators of UST systems who install a method of release detection under 329 IAC 9-7-2 and 329 IAC 9-7-3 shall, within thirty (30) days of completing such action, submit notice of this action to the agency. ~~as required by subsection (a):~~

~~(i)~~ **(j)** Any person who sells a facility with a regulated underground storage tank that:

- (1) is being used as ~~a~~ **an** UST system; or
- (2) will be used as ~~a~~ **an** UST system;

shall notify the purchaser of such tank of the owner’s obligation to submit notice under subsection ~~(a):~~ **(b).**

~~(j)~~ **(k)** An owner and operator of ~~a~~ **an** UST system that is:

- (1) in the ground on or after May 8, 1986; and
- (2) not taken out of operational life on or before January 1, 1974;

shall notify the agency of the service status of the UST system under 42 U.S.C. 6991a of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq., in effect on September 30, 1996, on a form provided by the agency for this notification. (*Solid Waste Management Board; 329 IAC 9-2-2; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1068; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3699; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 150*)

SECTION 20. 329 IAC 9-2.1-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-2.1-1 Upgrading of existing UST systems

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23-3

Sec. 1. (a) All existing UST systems shall comply with one (1) of the following requirements no later than December 22, 1998:

- (1) New UST system performance standards under 329 IAC 9-2-1.
- (2) The upgrading requirements under subsections (b) through (d).
- (3) Closure requirements under 329 IAC 9-6, including applicable requirements for corrective action under 329 IAC 9-5.

(b) A steel tank must be upgraded to meet one (1) of the following requirements:

- (1) A tank is upgraded by cathodic protection and the cathodic protection system meets the requirements of 329 IAC 9-2-1(1)(B)(ii) and 329 IAC 9-2-1(1)(B)(iii), and the

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integrity of the tank is ensured using one (1) of the following methods:

- (A) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system.
 - (B) The tank has been installed for less than ten (10) years and is monitored monthly for releases under 329 IAC 9-7-4(4) through 329 IAC 9-7-4(8).
 - (C) The tank has been installed for less than ten (10) years and is assessed for corrosion holes by conducting two (2) tightness tests under 329 IAC 9-7-4(3) **as follows:**
 - (i) The first tightness test must be conducted prior to installing the cathodic protection system. ~~and~~
 - (ii) The second tightness test must be conducted between three (3) months and six (6) months following the first operation of the cathodic protection system.
 - (D) The tank is assessed for corrosion holes by a method that is determined by the commissioner to prevent releases in a manner that is no less protective of human health and the environment than established in clauses (A) through (C).
- (2) A tank is upgraded by internal lining and the following requirements are completed:
- (A) The lining is installed under 329 IAC 9-3.1-4.
 - (B) Within one (1) year after lining and every five (5) years thereafter, the ~~lined lining and~~ tank ~~is are~~ internally inspected and found to be structurally sound with the lining ~~and tank~~ still performing in accordance with ~~original design specifications requirements under 329 IAC 9-3.1-4.~~
 - (C) The tank may be lined one (1) time during the service life to meet the upgrading requirements of this subsection.
 - (D) If the lined tank cannot meet the performance standards under clause (B), closure of the tank according to 329 IAC 9-6 is required.**
- (3) A tank is upgraded by both internal lining and cathodic protection, and the following requirements are completed:
- (A) The lining is installed under 329 IAC 9-3.1-4.
 - (B) The cathodic protection system meets the requirements of 329 IAC 9-2-1(1)(B)(ii) and 329 IAC 9-2-1(1)(B)(iii).
- (4) A tank is upgraded by a method that is determined by the commissioner to be no less protective of human health and the environment than the methods specified in subdivisions (1) through (3).
- (5) The tank must comply with one (1) or more of the following:
- (A) American Petroleum Institute Recommended Practice 1631, "Interior Lining **and Periodic Inspections** of Underground Storage Tanks", ~~Fourth~~ **Fifth** Edition, ~~October 1997,~~ **June 2001**, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.
 - (B) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.
 - (C) American Petroleum Institute Recommended Practice

1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Third Edition, May 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(D) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life ~~Extension~~ of Existing Steel Underground **Storage** Tanks by Lining Without the Addition of Cathodic Protection", revised ~~1991,~~ **1992**, National Leak Prevention Association, Route 2, Box 106A, Falmouth, Kentucky 41040.

(c) Metal piping that routinely contains regulated substances and is in contact with the ground must meet the following:

(1) Be cathodically protected in accordance with one (1) or more of the following:

(A) ~~Article 79,~~ "Flammable and Combustible Liquids", of the ~~1998~~ Indiana Fire Code, ~~675 IAC 22-2-2.~~ **675 IAC 22.**

(B) American Petroleum Institute Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fifth Edition, March 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(C) American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Third Edition, May 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(D) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0169-96, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", ~~1992~~ **1996** Edition, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(2) Meet the requirements of 329 IAC 9-2-1(2)(B)(ii) and 329 IAC 9-2-1(2)(B)(iii).

(d) All existing UST systems shall comply with the new UST system spill and overfill prevention equipment requirements under 329 IAC 9-2-1(3) and 329 IAC 9-3.1-1 to prevent spilling and overfilling associated with product transfer to the UST system.

(e) The owner and operator shall demonstrate compliance with this section by providing a certification of compliance on the ~~underground storage tank~~ notification form under 329 IAC 9-2-2. The certification must demonstrate that the person that performs the work has been certified by the office of the state fire marshal. (*Solid Waste Management Board; 329 IAC 9-2.1-1; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3700; filed Aug 30, 2004, 9:35 a.m.: 28 IR 151*)

SECTION 21. 329 IAC 9-3-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-3-1 Reporting and record keeping

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 1. (a) The owner and operator of ~~a~~ **an** UST system shall

cooperate fully with inspections, monitoring, and testing conducted by the agency, as well as requests for document submission, testing, and monitoring by the owner or operator under Section 9005 (42 U.S.C. 6991d) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq., in effect on September 30, 1996.

(b) The owner and operator shall submit the following information to the agency:

(1) Notification for all UST systems under 329 IAC 9-2-2 that includes **the following**:

(A) Certification of installation for new UST systems under 329 IAC 9-2-1(5). ~~and~~

(B) Locational information within an accuracy of 1:24,000, plus or minus forty (40) feet, or plus or minus twelve and two-tenths (12.2) meters in any of the following formats, if known:

- (i) Universal transverse mercator (UTM) coordinates.
- (ii) Latitude and longitude coordinates.
- (iii) UTM coordinates and latitude and longitude coordinates.

(2) Reports of all releases, including **the following**:

- (A) Suspected releases under 329 IAC 9-4-1.
- (B) Spills and overfills under 329 IAC 9-4-4. ~~and~~
- (C) Confirmed releases under 329 IAC 9-5-2.

(3) Corrective actions planned or taken, including **the following**:

- (A) Free product removal under ~~329 IAC 9-5-3.1~~; **329 IAC 9-5-4.2**.
- (B) Initial abatement measures under ~~329 IAC 9-5-4.1~~; **329 IAC 9-5-3.2**.
- (C) Initial site characterization under 329 IAC 9-5-5.1.
- (D) Investigation of soil and ground water cleanup under 329 IAC 9-5-6. ~~and~~
- (E) Corrective action plan under 329 IAC 9-5-7.

(4) A notification upon completion of all upgrade activities under 329 IAC 9-2.1.

(5) A notification before ~~permanent~~ closure or change-in-service under 329 IAC 9-6-1.

(6) A notification upon completion of:

- (A) temporary closure under 329 IAC 9-6-5; or
- (B) ~~permanent~~ closure or change-in-service under 329 IAC 9-6-1 and ~~329 IAC 9-6-2~~; **329 IAC 9-6-2.5**.

(7) A notification upon completion of the installation of a method of release detection under 329 IAC 9-7-2 and 329 IAC 9-7-3.

(8) Results of the site investigation conducted at ~~permanent~~ closure or change-in-service under 329 IAC 9-6-4.

(9) Documentation supporting the suitability of the underground storage tank to be upgraded with cathodic protection. The documentation must be submitted within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(1). The documentation must include a signed affidavit from the corrosion expert who designed the field-installed cathodic protection system.

(10) Documentation supporting the suitability of the underground storage tank to be upgraded with an internal lining. The documentation must be submitted within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(2).

(11) Documentation supporting the suitability of the underground storage tank to be upgraded with an internal lining combined with cathodic protection. The documentation must be submitted within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(3). The documentation also must include the following:

(A) A report of the condition of the underground storage tank prior to lining that includes the following:

- (i) A diagram showing the location and size of any repair necessary to the interior of the underground storage tank prior to lining.
- (ii) A diagram showing the location and size of any repair necessary to the exterior of the underground storage tank prior to cathodic protection.
- (iii) Documentation showing the tank has met both thickness and tank deflection criteria specified in the publications for upgrades under clause (B).

(B) The suitability of the tank for lining must meet the following requirements:

- (i) American Petroleum Institute Recommended Practice 1631, "Interior Lining **and Periodic Inspections** of Underground Storage Tanks", ~~Fourth~~ **Fifth** Edition, ~~October 1997~~, **June 2001**, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.
- (ii) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.
- (iii) American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Third Edition, May 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(12) Documentation of operation and maintenance of corrosion protection equipment under 329 IAC 9-3.1-2. The results of the postinstallation cathodic protection:

- (A) test for a galvanic cathodic protection system; and
- (B) inspection for an impressed current cathodic protection system;

must be submitted within thirty (30) days after the test or inspection is completed for a new UST system and an upgraded UST system.

(13) Documentation supporting the suitability of the excavation zone for the proper function of:

- (A) vapor observation wells under 329 IAC 9-7-4(5); and
- (B) ground water observation wells under 329 IAC 9-7-4(6);

as a method of release detection. The documentation must be submitted within thirty (30) days after the observation wells

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installation is completed for a new UST system and an upgraded UST system.

(14) Documentation supporting the suitability of the excavation zone to support a secondary barrier in the excavation zone as a method of release detection under 329 IAC 9-7-4(7)(B). The documentation must be submitted within thirty (30) days after the installation of the secondary barrier is completed for a new UST system and an upgraded UST system.

(15) Documentation supporting the suitability of the secondary barrier as a method of release detection under 329 IAC 9-7-4(7)(B). The documentation must be submitted within thirty (30) days after the installation of the secondary barrier is completed for a new UST system and an upgraded UST system.

(c) The owner and operator shall maintain the following information:

(1) Documentation of operation and maintenance of corrosion protection equipment under 329 IAC 9-3.1-2. The results of the postinstallation cathodic protection:

(A) test for a galvanic cathodic protection system; and

(B) inspection for an impressed current cathodic protection system;

must be maintained under ~~subsection~~ **subsections (d) and (e)** within thirty (30) days after the test or inspection is completed for a new UST system and an upgraded UST system.

(2) Documentation of UST system repairs under 329 IAC 9-3.1-4(b)(6).

(3) Documentation of compliance with release detection requirements under ~~329 IAC 9-7-6~~; **this section**.

(4) Results of the site investigation conducted at ~~permanent~~ closure under 329 IAC 9-6-4.

(5) Documentation supporting the suitability of the underground storage tank to be upgraded with cathodic protection. The documentation must be maintained under ~~subsection~~ **subsections (d) and (e)** within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(1). The documentation must include a signed affidavit from the corrosion expert who designed the field-installed cathodic protection system.

(6) Documentation supporting the suitability of the underground storage tank to be upgraded with an internal lining. The documentation must be maintained under ~~subsection~~ **subsections (d) and (e)** within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(2).

(7) Documentation supporting the suitability of the underground storage tank to be upgraded with an internal lining combined with cathodic protection. The documentation must be maintained under ~~subsection~~ **subsections (d) and (e)** within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(3). The documentation also must include the following:

(A) A report of the condition of the underground storage tank prior to lining that includes the following:

(i) A diagram showing the location and size of any repair necessary to the interior of the underground storage tank prior to lining.

(ii) A diagram showing the location and size of any repair necessary to the exterior of the underground storage tank prior to cathodic protection.

(iii) Documentation showing the tank has met both thickness and tank deflection criteria specified in the publications for upgrades under clause (B).

(B) A signed certification by a corrosion expert indicating the suitability of the tank for lining under the following:

(i) American Petroleum Institute Recommended Practice 1631, "Interior Lining **and Periodic Inspections** of Underground Storage Tanks", ~~Fourth~~ **Fifth** Edition, ~~October 1997~~, **June 2001**, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(ii) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(iii) American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Third Edition, May 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(8) Documentation supporting the suitability of the excavation zone for the proper function of:

(A) vapor observation wells under 329 IAC 9-7-4(5); and

(B) ground water observation wells under 329 IAC 9-7-4(6);

as a method of release detection. The documentation must be maintained under ~~subsection~~ **subsections (d) and (e)** within thirty (30) days after the observation wells installation is completed for a new UST system and an upgraded UST system.

(9) Documentation supporting the suitability of the excavation zone to support a secondary barrier in the excavation zone as a method of release detection under 329 IAC 9-7-4(7)(B). The documentation must be maintained under ~~subsection~~ **subsections (d) and (e)** within thirty (30) days after the installation of the secondary barrier is completed for a new UST system and an upgraded UST system.

(10) Documentation supporting the suitability of the secondary barrier as a method of release detection under 329 IAC 9-7-4(7)(B). The documentation must be maintained under ~~subsection~~ **subsections (d) and (e)** within thirty (30) days after the installation of the secondary barrier is completed for a new UST system and an upgraded UST system.

(11) A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used under 329 IAC 9-2-1(1)(D) or 329 IAC 9-2-1(2)(C). The documentation must be maintained under ~~subsection~~ **subsections (d) and (e)** within thirty (30) days after the analysis is completed.

(12) All written performance claims that pertain to any

release detection system used and the manner in which the claim has been justified or tested by the equipment manufacturer or installer. All claims must be maintained for the longest of the following time periods:

- (A) Five (5) years.
- (B) The time period the release detection system is used.
- (C) The time period of any unresolved litigation between the commissioner and the owner or operator of the UST system.

(13) The results of any sampling, testing, or monitoring relating to release detection systems must be maintained for at least one (1) year except that the results of tank tightness testing conducted under 329 IAC 9-7-4(3) must be maintained until the next test is conducted.

(14) Documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site must be maintained for at least one (1) year after the servicing work is completed.

(15) Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be maintained for the longest of the following time periods:

- (A) Five (5) years from the date of installation.
- (B) The time period the release detection system is used.

(d) The owner and operator shall maintain the records required at:

- (1) at the underground storage tank site and immediately available for inspection by the agency; or
- (2) at a readily available alternative site and be provided for inspection to the agency upon request.

(e) In the case of permanent closure records required under 329 IAC 9-6-4, the owner and operator are also provided with the additional alternative of mailing closure records to the agency if they cannot be kept at the site or an alternative site as indicated allowed in this subsection (d)(2). (*Solid Waste Management Board; 329 IAC 9-3-1; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1069; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3701; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 152*)

SECTION 22. 329 IAC 9-3-2 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-3-2 Electronic reporting and submittal

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
 Affected: IC 13-23

Sec. 2. Documentation required to be submitted to the agency by this article, with the exception of reports required under 329 IAC 9-4-4, may be submitted in an electronic format as prescribed by the commissioner. Any documents submitted in an electronic format must also be submitted as a paper copy unless the commissioner makes a determination that only an electronic copy is needed.

(*Solid Waste Management Board; 329 IAC 9-3-2; filed Aug 30, 2004, 9:35 a.m.: 28 IR 155*)

SECTION 23. 329 IAC 9-3.1-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-3.1-1 Spill and overfill control

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
 Affected: IC 13-23

Sec. 1. (a) The owner and operator shall ensure the following:

- (1) Releases due to spilling or overfilling do not occur.
- (2) The volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made.
- (3) The transfer operation is monitored constantly to prevent overfilling and spilling.
- (4) The transfer operation complies with the following:
 - (A) National Fire Protection Association Publication 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids", 1990 Edition, as incorporated by reference under rules of the fire prevention and building safety commission at 675 IAC 22-2.2-21.
 - (B) Article 79, "Flammable and Combustible Liquids", of the 1998 Indiana Fire Code under rules of the fire prevention and building safety commission at 675 IAC 22-2.2-675 IAC 22.

(b) The owner and operator shall report, investigate, and clean up any spills and overfills under 329 IAC 9-4-4.

(c) Deliveries must be made through a drop tube that extends to within one (1) foot of the tank bottom. (*Solid Waste Management Board; 329 IAC 9-3.1-1; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3704; filed Aug 30, 2004, 9:35 a.m.: 28 IR 155*)

SECTION 24. 329 IAC 9-3.1-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-3.1-2 Operation and maintenance of corrosion protection

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
 Affected: IC 13-23

Sec. 2. The owner and operator of a steel UST system with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

- (1) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that:
 - (A) routinely contain regulated substances; and
 - (B) are in contact with the ground.
- (2) All UST systems equipped with galvanic cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester under the following requirements:

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(A) All galvanic cathodic protection systems must be tested within six (6) months of installation and at least every three (3) years thereafter.

(B) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(3) All UST systems with impressed current cathodic protection systems must be:

(A) inspected every sixty (60) days to ensure the equipment is running according to manufacturer's specifications; **and**

(B) **tested within six (6) months of installation and at least every three (3) years thereafter.**

(4) Records of the operation of the cathodic protection must be maintained under 329 IAC 9-3 to demonstrate compliance with the performance standards in this section. These records must provide **the results of** the following:

(A) ~~The results of~~ The most recent three (3) inspections required in subdivision (3).

(B) ~~The results of~~ Testing from the last two (2) inspections required in subdivision (2).

(5) The owner and operator shall demonstrate compliance with this section by providing a certification of compliance on the ~~underground storage tank~~ notification form under 329 IAC 9-2-2. The certification must demonstrate that the person that performs the work has been certified by the office of the state fire marshal.

(Solid Waste Management Board; 329 IAC 9-3.1-2; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3704; filed Aug 30, 2004, 9:35 a.m.: 28 IR 155)

SECTION 25. 329 IAC 9-3.1-3 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-3.1-3 Compatibility

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

Affected: IC 13-23

Sec. 3. (a) The owner and operator shall use ~~a~~ **an** UST system made of or lined with materials that are compatible with the regulated substance stored in the UST system.

(b) For tanks that store alcohol blends, one (1) or more of the following codes must be used to comply with subsection (a):

(1) American Petroleum Institute Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations", First Edition, April 1985, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(2) American Petroleum Institute Recommended Practice 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations", First Edition, August 1986, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(Solid Waste Management Board; 329 IAC 9-3.1-3; filed Jul

19, 1999, 12:00 p.m.: 22 IR 3704; filed Aug 30, 2004, 9:35 a.m.: 28 IR 156)

SECTION 26. 329 IAC 9-3.1-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-3.1-4 Repairs and maintenance allowed

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

Affected: IC 13-23

Sec. 4. (a) The owner and operator of ~~a~~ **an** UST system shall ensure that repairs **and maintenance** prevent releases due to:

(1) structural failure; ~~as long as the UST system is used to store regulated substances;~~ or

(2) corrosion;

as long as the UST system is used to store regulated substances.

(b) The repairs **and maintenance** must meet the following requirements:

(1) Repairs **and maintenance** to a steel UST system must be conducted in accordance with one (1) or more of the following:

(A) ~~Article 79~~, "Flammable and Combustible Liquids", of

the ~~1998~~ Indiana Fire Code, ~~675 IAC 22-2-2~~; **675 IAC 22**.

(B) American Petroleum Institute Recommended Practice 2200, "Repairing Crude Oil, Liquified Petroleum Gas, and Product Pipelines", Third Edition, May 1994, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(C) American Petroleum Institute Recommended Practice 1631, "Interior Lining **and Periodic Inspections** of Underground Storage Tanks", ~~Fourth~~ **Fifth** Edition, ~~October 1997~~; **June 2001**, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(D) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life ~~Extension~~ of Existing Steel Underground **Storage** Tanks by Lining Without the Addition of Cathodic Protection", revised ~~1991~~; **1992**, National Leak Prevention Association, Route 2, Box 106A, Falmouth, Kentucky 41040.

(2) Maintenance to a steel tank lined under section 2 of this rule is not allowed if thirty percent (30%) or more of the original lined surface of the steel tank has had maintenance performed under subdivision (1). The tank must be closed according to 329 IAC 9-6.

~~(2)~~ **(3) Repairs and maintenance** to a fiberglass-reinforced plastic tank may be made **by the**:

(A) ~~by the~~ manufacturer's authorized representative using the manufacturer's specifications; or

(B) ~~by the~~ owner or operator in accordance with one (1) or more of the following:

(i) Underwriters Laboratories Standard 1316, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohol, and Alcohol-Gasoline Mixtures", ~~1994~~, revised **1996**, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(ii) Codes listed in Class 6 of American Petroleum Institute Recommended Practice 1631, "Interior Lining **and Periodic Inspections** of Underground Storage Tanks", ~~Fourth~~ **Fifth** Edition, ~~October 1997~~, **June 2001**, American Petroleum Institute, 1220 L Street NW, Washington, D. C. 20005-4070.

(iii) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life ~~Extension~~ of Existing Steel Underground **Storage** Tanks by Lining Without the Addition of Cathodic Protection", revised ~~1991~~, **1992**, National Leak Prevention Association, Route 2, Box 106A, Falmouth, Kentucky 41040.

~~(3)~~ **(4)** The requirements for **repair and maintenance** to pipes and fittings are as follows:

(A) Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced.

(B) Fiberglass pipes and fittings may be repaired **or have maintenance performed** in accordance with the manufacturer's specifications.

~~(4)~~ **(5)** The repaired tank and piping must be tightness tested under 329 IAC 9-7-4(3) and 329 IAC 9-7-5(2) within thirty (30) days following the date of the completion of the repair except as provided under one (1) of the following:

(A) The repaired tank is internally inspected in accordance with one (1) or more of the standards listed in subdivision (1) or ~~(2)~~: **(3)**.

(B) The repaired portion of the UST system is monitored monthly for releases under a method specified in 329 IAC 9-7-4(4) through 329 IAC 9-7-4(8).

(C) Another test method is used that is determined by the commissioner to be no less protective of human health and the environment than those listed in clauses (A) and (B).

~~(5)~~ **(6)** Following the repair of any cathodically protected UST system, the cathodic protection system must be tested under:

(A) section 2(2) of this rule within six (6) months following the repair for a galvanic cathodic protection system; ~~to ensure that it is operating properly~~; and

(B) section 2(3) of this rule within sixty (60) days following the repair for an impressed current cathodic protection system;

to ensure that it is operating properly.

~~(6)~~ **(7)** The UST system owner and operator shall maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with this section.

Maintenance must be documented but is not required to be reported to the agency.

~~(7)~~ **(8)** The owner and operator shall demonstrate compliance with this section by providing a certification of compliance on the ~~underground storage tank~~ notification form under 329 IAC 9-2-2. The certification must demonstrate that the person that performs the work has been certified by the office of the state fire marshal.

(Solid Waste Management Board; 329 IAC 9-3.1-4; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3705; filed Aug 30, 2004, 9:35 a.m.: 28 IR 156)

SECTION 27. 329 IAC 9-4-3 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-4-3 Release investigations and confirmation steps

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

Affected: IC 13-23

Sec. 3. Unless corrective action is initiated in accordance with 329 IAC 9-5, the owner and operator shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under section 1 of this rule within seven (7) days using the following steps or another procedure approved by the commissioner:

(1) The owner and operator shall conduct tests according to the requirements for tightness testing in 329 IAC 9-7-4(3) and 329 IAC 9-7-5(2) to determine whether a leak exists in that portion of the tank that routinely contains product or the attached delivery piping, or both. The owner and operator shall complete one (1) of the following:

(A) The owner and operator shall repair, replace, or upgrade the UST system and begin corrective action in accordance with 329 IAC 9-5 if the test results for the system, tank, or delivery piping indicate that a leak exists.

(B) Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if ~~environmental contamination is~~ **contaminants are** not present.

(C) The owner and operator shall conduct a site check as described in subdivision (2) if the test results for the system, tank, and delivery piping do not indicate that a leak exists, but ~~environmental contamination is~~ **contaminants are** present.

(2) The owner and operator shall measure for the presence of a release where ~~contamination the contaminant~~ is most likely to be present at the underground storage tank site. In selecting sample types, sample locations, and measurement methods, the owner and operator shall consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth to ground water, and other factors appropriate for identifying the presence and source of the release. The owner and operator shall complete one (1) of the following:

(A) If the test results for the excavation zone or the underground storage tank site indicate that a release has occurred, the owner and operator shall begin corrective action in accordance with 329 IAC 9-5.

(B) If the test results for the excavation zone or the underground storage tank site do not indicate that a release has occurred, further investigation is not required.

(Solid Waste Management Board; 329 IAC 9-4-3; filed Dec 1,

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1992, 5:00 p.m.: 16 IR 1070; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3706; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 157)

SECTION 28. 329 IAC 9-4-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-4-4 Reporting and cleanup of spills and overfills

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 4. (a) The owner and operator of a UST system shall contain and immediately clean up a spill or overfill, report the incident to the agency emergency response twenty-four (24) hour spill hotline at (888) 233-7745 in Indiana or (317) 233-7745 as soon as possible but within twenty-four (24) hours, and begin corrective action in accordance with 329 IAC 9-5 in the following cases:

(1) Spill or overfill of petroleum that results in a release to the environment that:

- (A) equals or exceeds twenty-five (25) gallons; or
- (B) causes a sheen on nearby surface water.

(2) Spill or overfill of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under 40 CFR 302.4, revised 2000. The Code of Federal Regulations is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(b) The owner and operator of a UST system shall contain and immediately remove any contaminated media when one (1) of the following occur:

- (1) Spill or overfill of petroleum that is less than twenty-five (25) gallons.
- (2) Spill or overfill of a hazardous substance that is less than the reportable quantity under 40 CFR 302.4, revised 2000. The Code of Federal Regulations is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

If the removal of any contaminated media cannot be accomplished within twenty-four (24) hours, the owner and operator shall immediately notify the agency. (*Solid Waste Management Board; 329 IAC 9-4-4; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1070; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3707; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 158*)

SECTION 29. 329 IAC 9-5-1 IS AMENDED TO READ AS FOLLOWS:

Rule 5. Initial Response, Site Investigation, and Corrective Action

329 IAC 9-5-1 Applicability for release response and corrective action

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-12-3-2; IC 13-23

Sec. 1. (a) An owner and operator of a petroleum or hazardous substance UST system shall, in response to a confirmed release from the UST system, comply with the requirements of this rule **except for unless the UST systems system is excluded** under 329 IAC 9-1-1(b) **and or the UST systems system is** subject to corrective action requirements under Section 3004(u) (42 U.S.C. 6924(u)) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq., in effect on September 30, 1996.

(b) The owner and operator shall conduct corrective action that meets the following requirements:

(1) The corrective action plan is in the following format:

(A) Executive summary, including the following:

- (i) A briefing about the site in narrative form, highlighting events regarding the need for corrective action.
- (ii) Other information regarding the need for corrective action.

(B) A narrative concerning contaminant and site conditions, including the following:

- (i) Contaminant identification including chemical and physical properties.
- (ii) Contaminant toxicological data.
- (iii) Potential effects of residual contamination.
- (iv) Site specific soil and hydrogeologic characteristics.
- (v) Proximity of local surface waters and ground water and associated water quality data.
- (vi) Current and potential future uses of local water sources.
- (vii) A summary of site specific water quality data generated during previously completed site investigations.
- (viii) Other information necessary to describe site conditions.

(C) Health and safety plan, including the following:

- (i) Known hazards and risk evaluation associated with site activities.
- (ii) List of personnel, alternates to personnel, and areas of responsibilities of personnel.
- (iii) Levels of personal protection for personnel.
- (iv) Decontamination equipment and procedures.
- (v) Site access control measures.
- (vi) Site emergency procedures, medical care availability, and a route by roadway to health care facilities.
- (vii) List of emergency phone numbers that includes the fire department, the police department, a local ambulance, and the local hospital or medical facility.
- (viii) List of personnel's training, qualifications, and certifications.
- (ix) A description of how the plan will meet health and safety requirements.

(D) An appropriately scaled regional map that can be reproduced from previously submitted and approved site investigation reports but must include the following:

- (i) Illustrated legends and compass directions.

- (ii) A legible, topographic base with ten (10) foot contour intervals.
 - (iii) Location and depth of any wells that have a capacity greater than seventy (70) gallons per minute within a two (2) mile radius of the site.
 - (iv) Location and depth of any wells that have a capacity of less than seventy (70) gallons per minute within a one (1) mile radius of the site.
 - (v) Identification of facilities and land for agricultural, residential, commercial, and industrial use within a one (1) mile radius of the site.
 - (vi) Locations of surface water within a one (1) mile radius of the site.
 - (vii) Site location.
- (E) Appropriately scaled site maps that can be reproduced from previously submitted and approved site investigation reports but must include the following:
- (i) Illustrated legends and compass directions.
 - (ii) Topographic base with appropriate contour intervals to accurately describe the site.
 - (iii) Identified above ground features, including buildings, roadways, manways, pump islands, and property lines.
 - (iv) Identified subsurface features, including tanks, piping, and utility conduits.
 - (v) Soil boring and monitoring well locations surveyed to one-hundredth (.01) foot accuracy from an on-site temporary benchmark.
 - (vi) Both field and laboratory sampling locations; depth of sample taken, and the contaminant concentration results.
 - (vii) Contaminant plume delineation.
 - (viii) Ground water flow direction.
 - (ix) The location of remediation equipment shown, to scale.
- (F) Geologic and hydrogeologic maps that describe subsurface features and contaminant plume identification and include the following:
- (i) Cross sections.
 - (ii) Fence diagrams.
 - (iii) Geophysical profile or geophysical maps, or both, if available.
- (G) A narrative on selected remediation technology that includes the following:
- (i) Feasibility studies showing the effectiveness of the selected remediated technology.
 - (ii) A detailed description of the selected technology, design explanations, and illustrations.
 - (iii) Projected contaminant removal or treatment rates, or both.
 - (iv) Technical specifications of equipment and the process.
- (H) Sampling and analysis plan to evaluate the performance of the remediation technology that includes the following:
- (i) A minimum of quarterly samples taken and reported.
 - (ii) The following as applicable:

- (AA) Field investigation procedures.
 - (BB) Field screen samples.
 - (CC) Laboratory procedures for checking sample validity; sample acquisition; container; preservation; shipping requirements; storage time; chain of custody; and decontamination of equipment between samples.
 - (DD) Provisions for retention of laboratory quality assurance and quality control information.
 - (EE) Documentation that the sampling and analysis will be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", United States Environmental Protection Agency Publication SW-846, Third Edition (November 1986) as amended by Updates I (July 1992); H (September 1994); HA (August 1993); HB (January 1995); and HI (December 1996). Publication SW-846 is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.
 - (FF) Provisions for submission of reports that must include a signed laboratory certificate of analysis that lists analysis method; method preparation; date of sample receipt; date of analysis; a statement that the method quality assurance and quality control procedures were followed; the chain of custody documentation, including laboratory receipts; decontamination procedures; and sampling procedures and techniques.
- (I) Timetable that includes the following shown on a Gantt chart:
- (i) Installation and implementation dates.
 - (ii) Sampling events.
 - (iii) Progress milestones.
 - (iv) Completion dates.
- (J) Provisions for progress reports to be submitted that include the following:
- (i) Brief narrative of the remediation process.
 - (ii) Documentation and data graphically demonstrating remediation effectiveness.
 - (iii) Quarterly sampling results.
- (K) Provisions for a final report that includes:
- (i) documentation that the clean-up goals and objectives have been achieved; and
 - (ii) a signature by either a professional engineer, professional geologist, hydrologist, or certified hazardous materials manager.
- (2) The soil clean-up objectives must be determined and met by complying with IC 13-12-3-2.
- (3) The ground water clean-up objectives must be determined and met by complying with IC 13-12-3-2.
- (c) The owner and operator may conduct another method of corrective action that is:
- (1) as protective of human health and the environment as that provided in subsection (b); and
 - (2) approved by the commissioner.
- (Solid Waste Management Board; 329 IAC 9-5-1; filed Dec 1,*

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1992, 5:00 p.m.: 16 IR 1071; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3707; errata filed Sep 10, 1999, 9:08 a.m.: 23 IR 26; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 158)

SECTION 30. 329 IAC 9-5-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-5-2 Initial response

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 2. Upon confirmation of a release in accordance with 329 IAC 9-4-3 or after a release from the UST system is identified in any other manner, the owner and operator shall perform the following initial response actions within twenty-four (24) hours of a release:

- (1) Report the release to the agency:
 - (A) by telephone at (317) 232-8900 or after hours or holidays at (317) 233-7745;
 - (B) by fax at (317) 234-0428; or
 - (C) at LeakingUST@dem.state.in.us for electronic mail.
- (2) Take immediate action to prevent any further release of the regulated substance into the environment.
- (3) Identify and mitigate fire, explosion, and vapor hazards.
- (4) **Mitigate to the extent practicable adverse effects to human health and the environment.**

(Solid Waste Management Board; 329 IAC 9-5-2; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1071; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3709; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 160)

SECTION 31. 329 IAC 9-5-3.2 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-5-3.2 Initial abatement measures and site check

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 3.2. (a) The owner and operator shall perform the following abatement measures:

- (1) Remove as much of the regulated substance from the UST system as necessary to prevent further release to the environment.
- (2) Visually inspect any aboveground releases or exposed belowground releases and prevent further migration of the released substance into surrounding soils and ground water.
- (3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the underground storage tank excavation zone and entered into subsurface structures, which may include:
 - (A) storm sewers;
 - (B) sanitary sewers;

- (C) utility lines;
- (D) inhabitable buildings with a basement or crawl-space; or
- (E) underground conduits.

(4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator shall comply with applicable state and local requirements.

(5) Measure for the presence of a release where the contaminant is most likely to be present at the underground storage tank site unless the presence and source of the release have been confirmed in accordance with the site check required by 329 IAC 9-4-3(2) or the closure site assessment of 329 IAC 9-6-2.5. In selecting sample types, sample locations, and measurement methods, the owner and operator shall consider the nature of the stored substance, the type of backfill, depth to ground water, and other factors as appropriate for identifying the presence and source of the release.

(6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with section 4.2 of this rule.

(b) If:

- (1) drinking water is affected;
- (2) free product is present; or
- (3) vapors are present in:
 - (A) storm sewers;
 - (B) sanitary sewers;
 - (C) utility lines;
 - (D) inhabitable buildings with a basement or crawl-space; or
 - (E) underground conduits;

within twenty (20) days after release confirmation, the owner and operator shall submit a report to the agency summarizing the initial abatement measures taken under subsection (a) and any resulting information or data. (Solid Waste Management Board; 329 IAC 9-5-3.2; filed Aug 30, 2004, 9:35 a.m.: 28 IR 160)

SECTION 32. 329 IAC 9-5-4.2 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-5-4.2 Free product removal

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 4.2. At sites where investigations indicate the presence of free product, the owner and operator shall remove free product to the maximum extent practicable as determined by the commissioner based on free product removal technology and site conditions while continuing, as necessary, any actions initiated under sections 2, 3.2, and 5.1 of this rule, or preparation for actions required under sections

6 and 7 of this rule. In meeting the requirements of this section, the owner and operator shall do the following:

- (1) Conduct free product removal in a manner that:**
 - (A) minimizes the spread of the contaminant into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site; and**
 - (B) properly treats, discharges, or disposes of recovery products and byproducts in compliance with applicable local, state, and federal regulations.**
- (2) Use abatement of free product migration as a minimum objective for the design of the free product removal system.**
- (3) Handle any flammable products in a manner so as to prevent fires or explosions in accordance with the site health and safety plan as required by section 7(e) of this rule.**
- (4) Unless directed to do otherwise by the commissioner, prepare and submit to the agency, within forty-five (45) days after confirming a release, a free product removal report that provides at least the following information:**
 - (A) The name of the person responsible for directing the free product removal measures.**
 - (B) The estimated quantity, type, and thickness of free product observed or measured in wells, boreholes, and excavations.**
 - (C) The type of free product recovery system used.**
 - (D) Whether any discharge of free product will take place on-site or off-site during the recovery operation and where this discharge will be located.**
 - (E) The type of treatment applied to, and the effluent quality expected from, any discharge.**
 - (F) The steps that have been, or are being taken, to obtain necessary permits for any discharge.**
 - (G) The disposition of the recovered free product.**

(Solid Waste Management Board; 329 IAC 9-5-4.2; filed Aug 30, 2004, 9:35 a.m.: 28 IR 160)

SECTION 33. 329 IAC 9-5-5.1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-5-5.1 Initial site characterization

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-12-3-2; IC 13-23; IC 25-17.6; IC 25-31-1; IC 25-31.5-4

Sec. 5.1. (a) **In conformance with IC 13-12-3-2**, the owner and operator shall assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial **response and abatement** measures in sections 2 and ~~4.1~~ **3.2** of this rule. This information must include **a title page that identifies the consultant performing the work, the date the report was prepared, and** the following:

- (1) Data on the nature, **site-specific location**, and estimated quantity of release.

(2) Data from available sources or site investigations, or both, concerning the following factors:

- (A) Surrounding populations.
- (B) **Surface and ground** water quality.
- (C) Use and approximate locations of all wells ~~within:~~
 - ~~(i) a one (1) mile radius for ground water wells for background;~~
 - ~~(ii) a two (2) mile radius for municipal water supply wells for investigations;~~
 - ~~(iii) a two (2) mile radius for wells with a capacity greater than seventy (70) gallons per minute for investigation; and~~
 - ~~(iv) a one (1) mile radius for wells with a capacity less than seventy (70) gallons per minute for investigation.~~
- potentially affected by the release but at a minimum include those wells specified in subsection (b)(2)(E)(v)(CC) and (b)(2)(E)(v)(DD).**
- (D) Subsurface soil conditions.
- (E) Locations of
 - ~~(i) storm sewers;~~
 - ~~(ii) sanitary sewers;~~
 - ~~(iii) utility lines; and~~
 - ~~(iv) french drains.~~
- on-site and adjacent subsurface features.**
- (F) Climatological conditions.
- (G) Land use.

(3) Results of the site check required under section ~~4.1(a)(5)~~ **3.2(a)(5)** of this rule.

(4) Results of the free product investigations required under section ~~4.1(a)(6)~~ **3.2(a)(6)** of this rule, to be used by the owner and operator to determine whether free product must be recovered under section ~~3.1~~ **4.2** of this rule.

(5) Known or expected extent of ~~contamination:~~ **the contaminant or contaminants.**

(6) Information requested by the commissioner.

(b) Within ~~forty-five (45)~~ **sixty (60)** days of release confirmation, the owner and operator shall submit the information collected under subsection (a) to the agency as follows:

- (1) In a manner that demonstrates the applicability and technical adequacy of the information.
- (2) In a format as ~~follows:~~ **required by the agency that includes the following information:**

- (A) Background, including the following:
 - (i) The owner's and operator's name and address.
 - (ii) Past owners' and operators' names and addresses.
 - (iii) The facility name, address, and telephone number.
 - (iv) All prior and present operations of the facility.
 - (v) Prior construction activities.
 - (vi) List of prior spills at the facility.
 - (vii) Site proximity to sensitive areas, such as:
 - (AA) residences;**
 - (BB) schools; and**
 - (CC) wells;**
 - (DD) well fields; or**

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- (EE) wellhead protection areas; delineated under rules of the water pollution control board at 327 IAC 8-4.1.**
- (viii) Subsurface soil descriptions.
 - (ix) ~~Location of~~ **Information known about** all ground water wells within a one (1) mile radius of the facility.
 - (x) Description of all site work completed **and the date the site work was completed.**
 - (xi) Number and volume of underground storage tank or tanks.
 - (xii) Underground storage tank construction material and type of leak detection.
 - (xiii) Past and present contents of each underground storage tank.
 - (xiv) Records of most recent tightness test results, inventory records, and underground storage tank gaging records for the prior calendar year.
 - (xv) Underground storage tank age and date of installation.
 - (xvi) Underground storage tank system closure report submittal date, if applicable.
- (B) Release incident description, including the following:
- (i) Date reported to the ~~department.~~ **agency.**
 - (ii) Release incident number given by the ~~department~~ **agency** at the initial report.
 - (iii) Assigned ~~departmental~~ **agency** site priority ranking obtained at the initial report.
 - (iv) List **of** material or materials released.
 - (v) List **of** volume lost.
 - (vi) List **of** areas affected, such as the:
 - (AA) soil;
 - (BB) ground water;
 - (CC) **surface water features;** or ~~sewers;~~
 - (DD) **subsurface conduits.**
 - (vii) Health and environmental risks associated with the spill incident.
- (C) Initial response and abatement information, including the following:
- (i) **A** detailed description of immediate actions **taken to present prevent** any further release.
 - (ii) Measures taken to prevent further migration of the spill.
 - (iii) Actions taken to identify and mitigate fire and explosion hazards posed by vapors or free product.
 - (iv) Actions **taken** to investigate free product release.
- (D) Free product recovery information, including the following:
- (i) **The** name of **the** person or persons responsible for product removal.
 - (ii) Estimated quantity, type, and thickness of product observed or discovered.
 - (iii) A description of the recovery system.
 - (iv) Copies of all permits from local, state, and federal agencies necessary for:
 - (AA) handling;
 - (BB) treating;
 - (CC) discharging; and
 - (DD) disposing of;the contaminants.
 - (v) Final disposition of the recovered free product **and associated documentation.**
- (E) Investigation information, including the following:
- (i) Types of bedrock.
 - (ii) Soil series description.
 - (iii) List of regional soil and geologic references used.
 - (iv) Regional hydrogeological references used.
 - (v) Appropriately scaled regional maps with the following:
 - (AA) Illustrated legends, **scale**, and compass direction.
 - (BB) Topographic base with ten (10) foot contour intervals.
 - (CC) Location, depth, and corresponding department of natural resources' well records ~~of~~ **for** wells **with located within a two (2) mile radius of the site that have** a capacity **of** over seventy (70) gallons per minute **and or that are** municipal water supply wells. ~~within a two (2) mile radius of the site.~~
 - (DD) Location, depth, and corresponding department of natural resources' well records ~~of~~ **for** wells with a capacity of less ~~that~~ **than** seventy (70) gallons per minute within a one (1) mile radius of the site.
 - (EE) Identification of facilities and land for agricultural, industrial, and commercial use within one (1) mile radius of the site.
 - (FF) Locations of surface water **features** within a one (1) mile radius of the site.
 - (vi) Site-specific geologic information as follows:
 - (AA) A minimum of three (3) on-site, continuously sampled soil borings.
 - (BB) Soil ~~borings;~~ **boring locations**, accurately field surveyed with a horizontal closure of less than one (1) foot error. ~~placed as needed to confirm the extent of soil contamination.~~
 - (CC) Site soil stratigraphy identification, including cross sections.
 - (DD) **Soil** boring logs that ~~give lithologic descriptions; degree of sorting; sedimentary contacts; gas readings;~~ **include the method of drilling, total depth of boring, type and thickness of formations or materials encountered, including color, hardness, and a geological description, soil vapor readings, name and address of drilling company, name and license number of drilling operator, and signature of licensed driller or environmental professional who logged the boring.**
 - (EE) **Soil** boring logs with the same vertical scale and including surface elevations.
 - (vii) Hydrogeologic information, including the following:

- (AA) Depth to ground water with seasonal fluctuations determined by at least quarterly measured in a piezometer or monitoring events: well.
- (BB) Ground water flow directions and gradients.
- (CC) Hydraulic conductivity; transmissivity; storativity; confined or unconfined condition; porosity; and average linear velocity of the aquifer or aquifers involved.
- (DD) (CC) A minimum of three (3) monitoring wells screened across water table fluctuation and not placed in a straight line: ground water samples collected from locations most likely to be contaminated and a description of the method of sample collection.
- (EE) (DD) A minimum of three (3) monitoring wells placed as needed to confirm extent of or piezometers must be screened across water table fluctuation and not placed in a straight line. Monitoring wells must be installed, when time series ground water contamination: quality monitoring is required.
- (FF) (EE) Monitoring well and piezometer location surveyed to a temporary benchmark with a vertical accuracy of one-hundredth (.01) foot and with a horizontal closure of less than one (1) foot.
- (GG) (FF) Monitoring well or piezometer construction records submitted with the same scale that includes ground surface and the top of the well casing elevations, casing size and materials, well screen length, slot size, depth to the top and bottom of screen, method of drilling or well installation, borehole size, name and address of drilling company, name and license number of the equipment operator, type, depth, and thickness of grouting materials, method of installation, and signature of licensed driller.
- (GG) Monitoring well or piezometer stratigraphic logs that meet the requirements of rules of the natural resources commission at 312 IAC 13, and include method of drilling, total depth of boring, type and thickness of formations or materials encountered, including color, hardness, and a geological description, soil vapor readings, borehole diameter, well diameter, name and address of drilling company, name and license number of drilling operator, and signature of licensed driller or environmental professional who logged the well or piezometer boring.
- (viii) Contamination plume identification and maps, appropriately scaled, that include the following:
- (AA) The horizontal and vertical extent of contamination must be defined:
- (BB) (AA) Illustrated legends, scale, and compass directions.
- (CC) (BB) Topographic base with appropriate contour intervals to accurately describe the site.
- (DD) (CC) Identification of aboveground features, including buildings, roadways, manways, pump islands, and property lines.
- (EE) (DD) Identification of subsurface features, including tanks, piping, and utility conduits, storm sewers, sanitary sewers, utility lines, and french drains.
- (FF) (EE) Soil borings and monitoring well locations surveyed to a temporary benchmark with an a horizontal closure accuracy of one (1) foot, and monitoring well locations surveyed with a vertical accuracy of one-hundredth (.01) foot.
- (GG) Both field and laboratory (FF) Sampling locations, depth of sample taken, and the contaminant concentration results.
- (HH) (GG) Horizontal and vertical contaminant plume identification.
- (H) (HH) Geologic cross sections showing the water table and illustrating the vertical extent of the contaminant plume. identification:
- (I) (H) Ground water flow directions.
- (F) Sampling information, including the following:
- (i) Field investigation procedures.
- (ii) Field screen samples.
- (iii) Laboratory procedures that include:
- (AA) checking sample validity;
- (BB) sample acquisition;
- (CC) container;
- (DD) preservation;
- (EE) shipping requirements;
- (FF) storage time;
- (GG) chain of custody; and
- (HH) decontamination of equipment between samples.
- (iv) Provisions for retention of laboratory quality assurance and quality control information, so that the information may be made available to representatives of the department agency upon request.
- (v) Documentation, that in a format prescribed by the commissioner, of the sampling and analysis conducted. was in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", United States Environmental Protection Agency Publication SW-846, Third Edition (November 1986) as amended by Updates I (July 1992), II (September 1994), III (August 1993), IV (January 1995), and V (December 1996). Publication SW-846 is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.
- (vi) A report, in a format prescribed by the commissioner, that includes a signed laboratory certificate of analysis that lists:
- (AA) analysis method;
- (BB) method preparation;
- (CC) date of sample receipt;
- (DD) date of analysis;
- (EE) a statement that the method quality assurance and quality control procedures were followed;

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(FF) the chain of custody documentation, including laboratory receipts, decontamination procedures, and sampling procedures and techniques.

(vii) Analytical methods and corresponding detection limits. ~~in the tables at 329 IAC 9-1-10.2.~~

(G) Results and conclusions that include the following:

(i) A discussion of the results of the site investigation.
(ii) Field and laboratory sample results in a tabular format.

(H) Recommendations that include the following:

(i) ~~Feasibility studies.~~
(ii) ~~a discussion of effective remediation alternatives, including the following for each alternative:~~
(AA) ~~Overall effectiveness of technology.~~
(BB) ~~Ability to achieve clean-up criteria.~~
(CC) ~~Expected treatment duration.~~
(DD) ~~Treatment reliability.~~
(EE) ~~Permits that will be required.~~

the need for further site investigations under section 6 of this rule to determine the nature and extent of the contaminants.

(3) In a report that is signed by an environmental professional that may include: a:

(A) registered professional engineer under IC 25-31-1;
(B) ~~certified licensed~~ professional geologist under IC 25-17.6; or
(C) certified hazardous materials manager (CHMM) as certified by the Institute of Hazardous Material Management; or
(D) professional soil scientist registered under IC 25-31.5-4.

(c) The commissioner may approve an alternative procedure for initial site characterization only if the procedure provides substantially equal protection for human health and the environment as the initial site characterization in subsections (a) and (b) **and is in the format as described in subsection (b)(2) and (b)(3).** (*Solid Waste Management Board; 329 IAC 9-5-5.1; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3710; errata filed Sep 10, 1999, 9:08 a.m.: 23 IR 26; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 161*)

SECTION 34. 329 IAC 9-5-6 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-5-6 Further site investigations for soil and ground water cleanup

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-12-3-2; IC 13-23

Sec. 6. (a) In order to determine the full extent and location of soils contaminated by the release and the presence and concentrations of dissolved product ~~contamination as a contaminant~~ of the ground water, the owner and operator shall conduct ~~investigations a further site investigation~~ of the release, the release site, and the surrounding area possibly

affected by the release if any of the following conditions exist:

(1) Information collected and submitted under section 5.1 of this rule is incomplete or fails to define the nature and extent of contamination in the soil and ground water.

~~(1)~~ **(2)** There is evidence that ground water wells have been affected by the ~~release~~ **contaminant**. This evidence may include any ~~found information collected~~ during release confirmation or previous corrective action measures.

~~(2)~~ **(3)** Free product is found to need recovery in compliance with section ~~3.1~~ **4.2** of this rule.

~~(3)~~ **(4)** There is evidence that contaminated soils may be in contact with ground water. This evidence may include any ~~found information collected~~ while conducting the initial response measures or investigations required under sections 1, ~~through 2, 3.1, 4.1, and 5.1~~ of this rule.

~~(4)~~ **(5)** The commissioner requests ~~an a further site~~ investigation based on the potential effects of contaminated soil or ground water on nearby surface water and ground water resources.

(b) During the further site investigation the owner or operator must do the following if evidence exists that a contaminant exceeds the cleanup objectives under IC 13-12-3-2:

(1) Install a minimum of three (3) ground water monitoring wells, if at least three (3) wells were not installed during the initial site investigation under section 5.1 of this rule. Additional monitoring wells may be required to fully define the extent of contamination.

(2) Take a ground water sample from each of the monitoring wells and report the analytical results to the agency.

(3) Provide a description of the method for collecting the ground water samples.

(4) Monitoring wells must be screened across water table fluctuation and not placed in a straight line.

(5) Monitoring wells must be installed as per the requirement of the rule of the natural resources commission at 312 IAC 13-8-3.

~~(b)~~ **(c)** The owner and operator shall submit the information collected under subsection ~~(a)~~ **(b)** as soon as practicable or in accordance with a schedule established by the commissioner **in the format described in section 5.1(b)(2) and 5.1(b)(3) or 5.1(c) of this rule as well as a title page that identifies the consultant performing the work, the date the report was prepared, and the following information:**

(1) Hydraulic conductivity.

(2) Transmissivity.

(3) Storativity.

(4) Confined or unconfined condition.

(5) Porosity of the aquifer or aquifers involved.

(6) The average linear velocity of the ground water in the aquifer or aquifers involved.

(d) Provide a complete discussion of effective remediation

alternatives, including the following for each alternative:

- (1) Overall effectiveness of technology.
- (2) Ability to achieve cleanup criteria.
- (3) Expected treatment duration.
- (4) Treatment reliability.
- (5) Permits that will be required.

(e) The approval of a further site investigation or initial site characterization under section 5.1 of this rule is not a determination that the actual costs incurred performing these site characterization activities are reimbursable costs under the rules of the underground storage tank financial assurance board at 328 IAC 1. (*Solid Waste Management Board; 329 IAC 9-5-6; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1072; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3712; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 164*)

SECTION 35. 329 IAC 9-5-7 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-5-7 Corrective action plan

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-12-3-2; IC 13-23-8-4; IC 25-17.6; IC 25-31-1; IC 25-31.5-4

Sec. 7. (a) At any point after reviewing the information submitted in compliance with sections 1, 2, ~~4.1~~, **3.2**, and 5.1 of this rule, the commissioner may require the owner and operator to:

- (1) submit additional information; or
- (2) develop and submit a corrective action plan for responding to contaminated soils and ground water.

If a plan is required, the owner and operator shall submit the plan according to a schedule established by the commissioner and the format designated under ~~section 1(b)(1) of this rule~~. **subsection (f)**. Alternatively, the owner and operator may, after fulfilling the requirements of sections 2, ~~4.1~~, **3.2**, and 5.1 of this rule, choose to submit a corrective action plan for responding to contaminated soil and ground water. In either case, the owner and operator are responsible for submitting a plan that provides for adequate protection of human health and the environment, as determined by the commissioner, and shall modify their plan as necessary to meet this standard. ~~The corrective action plan may be automatically deemed approved under subsection (f):~~

(b) The commissioner will approve the corrective action plan only after ensuring that implementation of the plan will adequately protect human health, safety, and the environment. In making this determination, the commissioner shall consider the following factors, as appropriate:

- (1) The physical and chemical characteristics of the regulated substance, including its toxicity, persistence, and potential for migration.
- (2) The hydrogeologic characteristics of the facility and the surrounding area.
- (3) The proximity, quality, and current and future uses of

nearby surface water and ground water.

(4) The potential effects of a residual ~~contamination~~ **contaminant** on nearby surface water and ground water.

(5) **The proximity of potential contaminant receptors, including:**

- (A) adjacent residences;
- (B) wells;
- (C) well fields; or
- (D) wellhead protection areas delineated under rules of the water pollution control board at 327 IAC 8-4.1.

~~(5)~~ (6) An exposure assessment.

~~(6)~~ (7) Any information assembled in compliance with this rule.

~~(7)~~ (8) The suitability of the chosen remediation method for site conditions.

(c) Upon approval of the corrective action plan or as directed by the commissioner, the owner and operator shall implement the plan, including modifications to the plan made by the commissioner. The owner and operator shall monitor, evaluate, and report the results of implementing the plan in accordance with a schedule and in a format established by the commissioner. **During implementation of the corrective action plan the commissioner may find that the approved corrective action plan will not achieve or is not achieving the cleanup objectives. Upon making this finding:**

(1) the commissioner will notify the owner and operator that approval of the corrective action plan is suspended pending modification;

(2) the basis of the finding shall also be provided to the owner or operator;

(3) the owner or operator shall submit a modified plan to the to the commissioner for approval under subsection (b) before corrective action plan approval is reinstated;

(4) a reinstated corrective action plan approval is subject to all the provisions of this subsection; and

(5) the approval of a corrective action plan under this subsection is not a determination that the actual costs incurred performing the corrective action plan are reimbursable costs under the rules of the underground storage tank financial assurance board at 328 IAC 1.

(d) The owner and operator may, in the interest of minimizing ~~environmental contamination~~ **the effect of a contaminant** and promoting more effective cleanup, begin cleanup of soil and ground water before the corrective action plan is approved provided that the owner and operator:

(1) notify the agency of their intention to begin cleanup;

(2) comply with any conditions imposed by the commissioner, including halting cleanup or mitigating adverse consequences from cleanup activities; and

(3) incorporate these self-initiated cleanup measures in the corrective action plan that is submitted to the commissioner for approval.

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(e) During corrective action, the owner and operator and their designees shall adhere to a written health and safety plan that meets all applicable requirements of the occupational safety standards commission and the rules of the fire prevention and building safety commission ~~675 IAC 22-2-2~~: at **675 IAC 22**.

(f) If requirements are satisfied under ~~IC 13-23-8-4(a)(5)(A)~~ and ~~IC 13-23-8-4(a)(5)(B)~~; the corrective action plan is automatically deemed approved under ~~IC 13-23-8-4(a)(5)~~:

(f) The owner and operator shall conduct corrective action that meets the following requirements:

(1) The corrective action plan must be presented in a format prescribed by the commissioner and contain the following information:

(A) A title page that identifies the consultant performing the work and the date the report was prepared.

(B) An executive summary, including the following:

(i) A briefing about the site in narrative form, highlighting events leading to the need for corrective action.

(ii) Other information regarding the need for corrective action.

(C) A narrative concerning contaminant and site conditions, including the following:

(i) Contaminant identification including chemical and physical properties.

(ii) Determination of chemical reference doses (RfDs), cancer slope factors (Sfs or CPFs), reference ingestion factors, and maximum contaminant levels.

(iii) Potential effects of residual contaminants.

(iv) Site-specific soil and hydrogeologic characteristics.

(v) Proximity of local surface waters and ground water and associated water quality data.

(vi) Current and potential future uses of local water sources.

(vii) A summary of site-specific water quality data generated during previously completed site investigations.

(viii) Other information necessary to describe site conditions.

(D) Health and safety plan for corrective action activities, including the following:

(i) Known hazards and risk evaluation associated with site activities.

(ii) A list of personnel, alternates to personnel, and areas of responsibilities of personnel.

(iii) Levels of personal protection for personnel.

(iv) Decontamination equipment and procedures.

(v) Site access control measures.

(vi) Site emergency procedures, medical care availability, and a route by roadway to at least one (1) health care facility.

(vii) A list of emergency phone numbers that includes:

(AA) the fire department;

(BB) the police department;

(CC) a local ambulance; and

(DD) the local hospital or medical facility.

(viii) A list of personnel training, qualifications, and certifications.

(ix) A description of how the plan will meet health and safety requirements of the Indiana occupational health and safety standards and the rules of the fire prevention and building safety commission at **675 IAC 22**.

(E) An appropriately scaled regional map that can be reproduced from previously submitted and approved site investigation reports but that must include the following:

(i) Illustrated legends, scales, and compass directions.

(ii) A legible, topographic base with ten (10) foot contour intervals.

(iii) The location and depth of any wells that have a capacity:

(AA) greater than seventy (70) gallons per minute within a two (2) mile radius of the site; or

(BB) less than seventy (70) gallons per minute within a one (1) mile radius of the site.

(iv) Identification of facilities and land for:

(AA) agricultural;

(BB) residential;

(CC) commercial; and

(DD) industrial;

use within a one (1) mile radius of the site.

(v) Locations of surface water features within a one (1) mile radius of the site.

(vi) Site location.

(F) Appropriately scaled site maps that can be reproduced from previously submitted and approved site investigation reports that must include the following:

(i) Illustrated legends, scales, and compass directions.

(ii) Topographic base with appropriate contour intervals to accurately describe the site.

(iii) Identified aboveground features, including:

(AA) buildings;

(BB) roadways;

(CC) manways;

(DD) pump islands; and

(EE) property lines.

(iv) Identified subsurface features, including tanks, piping, and utility conduits.

(v) Soil boring and monitoring well locations surveyed with a horizontal closure of less than one (1) foot error.

(vi) Sampling locations, depth of sample taken, and the contaminant concentration results.

(vii) Soil and ground water contaminant plume delineation.

(viii) Ground water elevation contours and ground water flow direction.

- (ix) The location of remediation equipment shown to scale.
- (G) Geologic and hydrogeologic maps that describe subsurface features, identify the contaminant plume, and include the following:
 - (i) Cross sections.
 - (ii) Fence diagrams.
 - (iii) Geophysical profile or geophysical maps, or both, if available.
- (H) A narrative on selected remediation technology that includes the following:
 - (i) Feasibility studies showing the effectiveness of the selected remediated technology.
 - (ii) A detailed description of the selected technology, design explanations, and illustrations.
 - (iii) Projected contaminant removal or treatment rates, or both.
 - (iv) Technical specifications of equipment and the process.
 - (v) Discussion of disposal or fate of treated air, soil, and ground water, and permit or discharge requirements.
- (I) Sampling and analysis plan to evaluate the performance of the remediation technology that includes the following:
 - (i) A minimum of quarterly samples taken and reported.
 - (ii) The following as applicable:
 - (AA) Field investigation procedures.
 - (BB) Documentation, in a format prescribed by the commissioner, of the sampling, quality assurance measures, and analysis.
 - (CC) Field screen samples.
 - (DD) Sampling methods and laboratory procedures conducted in a manner that will generate scientifically valid data.
 - (EE) Provisions for retention of laboratory quality assurance and quality control information.
 - (FF) Provisions for submission of reports that must include a signed laboratory certificate of analysis that lists analysis method, method preparation, date of sample receipt, date of analysis, a statement that the method quality assurance and quality control procedures were followed, the chain of custody documentation, including laboratory receipts, and laboratory decontamination procedures.
- (J) A timetable that includes the following shown on a bar chart:
 - (i) Installation and implementation dates.
 - (ii) Sampling events.
 - (iii) Progress milestones.
 - (iv) Completion dates.
- (K) The corrective action plan must be signed by an environmental professional that is one (1) of the following:
 - (i) A registered professional engineer under IC 25-31-1.
 - (ii) A licensed professional geologist under IC 25-17.6.
 - (iii) A certified hazardous materials manager (CHMM) as certified by the Institute of Hazardous Material Management.
 - (iv) A professional soil scientist registered under IC 25-31.5-4.
- (L) Provisions for progress reports to be submitted quarterly in a format prescribed by the commissioner that include the following:
 - (i) A brief narrative of the remediation process.
 - (ii) Documentation and data graphically demonstrating remediation effectiveness.
 - (iii) Quarterly sampling results presented in a tabular format as prescribed by the commissioner with all previous sample data, if previous samples were taken.
 - (iv) Quarterly ground water elevation gauging results presented in a tabular format, as prescribed by the commissioner, showing the following:
 - (AA) Wellhead or measuring point elevation.
 - (BB) Depth to ground water.
 - (CC) Ground water elevation.
 - (v) Updated site maps showing the following:
 - (AA) Soil and ground water contaminant plume delineations.
 - (BB) Ground water elevation contours.
 - (CC) Ground water flow directions.
 - (vi) Signed by an environmental professional that is one (1) of the following:
 - (AA) A registered professional engineer under IC 25-31-1.
 - (BB) A licensed professional geologist under IC 25-17.6.
 - (CC) A certified hazardous materials manager (CHMM) as certified by the Institute of Hazardous Material Management.
 - (DD) A professional soil scientist registered under IC 25-31.5-4.
 - (vii) Discussion of remediation system function, days of operation, and explanation for any time periods remediation system does not operate, and repairs or maintenance performed or needed by the remediation system. This discussion must include volumes of air, soil, or ground water extracted and treated by the remediation system, and effluent stream sample results.
- (M) Provisions for a final report that includes the following:
 - (i) Documentation that the cleanup goals and objectives have been achieved.
 - (ii) A signature by an environmental professional that is one (1) of the following:
 - (AA) A registered professional engineer under IC 25-31-1.
 - (BB) A licensed professional geologist under IC 25-17.6.

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(CC) A certified hazardous materials manager (CHMM) as certified by the Institute of Hazardous Material Management.

(DD) A professional soil scientist registered under IC 25-31.5-4.

(2) The soil cleanup objectives must be determined and met by complying with IC 13-12-3-2.

(3) The ground water cleanup objectives must be determined and met by complying with IC 13-12-3-2.

(Solid Waste Management Board; 329 IAC 9-5-7; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1072; errata, 16 IR 1955; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3713; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 165)

SECTION 36. 329 IAC 9-6-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-6-1 Applicability

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 1. (a) At least thirty (30) days before beginning either permanent closure or a change-in-service, the owner and operator shall notify the agency of their intent to permanently close or make the change-in-service unless such action is in response to corrective action. The required assessment of the excavation zone under section 2 of this rule must be performed:

(1) after notifying the agency; and

(2) before completion of the permanent closure or change-in-service.

(b) Continued use of a UST system to store a nonregulated substance is considered a change-in-service. Before a change-in-service, the owner and operator shall complete the following:

(1) Empty and clean the tank by removing all liquid and accumulated sludge.

(2) Conduct a site assessment in accordance with section 2 of this rule.

(c) To permanently close a tank, the owner and operator shall complete the following:

(1) Empty and clean the tank by removing all liquids and accumulated sludges.

(2) Complete either of the following:

(A) Remove the tank from the ground under section 2(a) or 2(b) of this rule.

(B) Fill the tank with an inert solid material under section 2(d) of this rule.

Closure of an UST system must be completed by one (1) of the following methods and the applicable requirements in section 2.5 of this rule:

(1) In-place closure as defined at 329 IAC 9-1-27.3.

(2) Removal closure as defined at 329 IAC 9-1-39.5.

(3) Change-in-service as defined at 329 IAC 9-1-10.4.

(Solid Waste Management Board; 329 IAC 9-6-1; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1073; filed Jul 19, 1999, 12:00 p.m.: 22

IR 3714; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 168)

SECTION 37. 329 IAC 9-6-2.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 9-6-2.5 Closure procedure

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-12-3-2; IC 13-23

Sec. 2.5. (a) The procedure for closure is as follows:

(1) At least thirty (30) days before beginning closure, the owner and operator shall notify, using the notification form required by 329 IAC 9-2-2(a), the agency and the office of the state fire marshal of the intent to close as specified by one (1) of the methods in section 1 of this rule unless such action is a part of the response to corrective action.

(2) Closure sampling and laboratory analysis with the associated detection limits for the UST system closure are required as follows:

(A) Quantity and location of soil samples for each closure method are as follows:

(i) In-place closure soil samples must be taken as described in subsection (b).

(ii) Removal closure soil samples must be taken as described in subsection (c).

(iii) Change-in-service soil samples must be taken as described in subsection (d).

(B) Quantity and location of ground water samples for each closure method are as follows:

(i) In-place closure ground water samples must be taken as described in subsection (e).

(ii) Removal closure ground water samples must be taken as described in subsection (f).

(iii) Change-in-service ground water samples must be taken as described in subsection (g).

(C) Laboratory analyses and detection limits for soil samples and ground water samples for all closure methods are as required for the chemical of concern.

(3) If, at any time during the closure process for any method of closure, a release is either suspected or detected in the backfill, native soil, or ground water, the owner or operator shall contact the agency to report within twenty-four (24) hours after the release is suspected or detected.

(4) A confirmed release based on the soil and ground water samples taken at the UST removal requires the owner or operator to contact the agency to report within twenty-four (24) hours after the release is confirmed if a leaking underground storage tank (LUST) incident number was not obtained under subdivision (3).

(5) A closure report must be completed and submitted to the agency within thirty (30) days after the UST removal. The closure report must include the following:

(A) The notification form provided by the agency under 329 IAC 9-2-2.

(B) The underground storage tank closure report. The closure report must include the following information:

(i) For the responsible party, the following information:

(AA) The UST system facility owner or operator name, agency's owner identification number, address, and phone number.

(BB) The name of the UST system facility contact person, owner or operator affiliation, and phone number.

(CC) Owners or operators during the last twenty-five (25) years.

(ii) For the UST contractor, the following information:

(AA) UST closure contractor, company name, and address.

(BB) The name of the person on-site during closure that is certified by the office of the state fire marshal to perform UST closure and that person's certification number.

(iii) For the UST site information regarding the following:

(AA) Facility name, agency's facility identification number, address, and phone number.

(BB) Type of facility, past and current operation.

(CC) Coverage, stating if coverage is turf, concrete, asphalt, or other.

(DD) History of any spill reports listed by incident number.

(EE) Site proximity to both human and environmentally sensitive areas, such as residences, schools, wells, well fields, or wellhead protection areas delineated under rules of the water pollution control board at 327 IAC 8-4.1.

(FF) Backfill and site natural soil texture.

(iv) A site-specific map or maps with illustrated legends and compass directions and at appropriate scale to show site details described as follows:

(AA) Drainage features, surface slope, or surface water run-off direction.

(BB) Identified aboveground features, such as buildings, roadways, manways, pump islands, and utility and property lines.

(CC) Identified subsurface features, such as tanks and excavation pit, piping, and utility conduits.

(DD) Locations where samples were taken, soil borings made, and monitoring wells drilled.

(EE) Location of active and previously closed tanks, as applicable.

(FF) Site surroundings, such as adjacent buildings, businesses, or human and environmentally sensitive areas, such as residences, schools, wells, well fields, or wellhead protection areas delineated under rules of the water pollution control board at 327 IAC 8-4.1.

(v) Information for the underground storage tank

being closed as follows:

(AA) The number and volume of tanks.

(BB) Past and present contents of the tank.

(CC) Construction material of tank.

(DD) Construction and material of piping.

(EE) Age and installation date of tank.

(FF) Leak detection methods used.

(GG) Records of the most current tank tightness test results.

(HH) Records of any other current leak detection method results including the inventory records, ground water, or vapor monitoring results.

(II) Information on any previously closed UST system, such as the date closed and the number, size, and product stored.

(vi) Physical and chemical results of the samples taken under subdivision (2) as follows:

(AA) Data from analysis of soil samples presented in a tabular format.

(BB) Data from analysis of water samples presented in a tabular format.

(CC) A signed laboratory certificate of analysis listing analysis method, preparation method, date of sample receipt, and date of analysis.

(DD) Proper sample identification numbers for cross-reference to UST site maps.

(EE) Chain of custody documentation.

(FF) Description of the sampling procedures, sampling equipment, and decontamination procedures.

(GG) Data from analyses of used oil sampling, as applicable.

(vii) Miscellaneous closure documentation, including manifests or receipts, or both, as follows:

(AA) Contaminated soil and contaminated water disposal documentation.

(BB) Remaining product and sludge disposal documentation.

(CC) Tank and piping disposal documentation.

(6) If one (1) or more additional tanks are discovered during a closure, the owner and operator shall:

(A) close each additional tank under this rule; and

(B) supply all known information on each additional tank in the closure report.

(7) The commissioner shall require additional information if the closure report is deemed incomplete or incorrect. The commissioner shall provide in writing the reasons for requiring additional information and a list of the additional information required to be submitted. The owner and operator shall have forty-five (45) days to submit the additional information to the agency, after receipt of written notification from the commissioner that additional information is required.

(8) The closure will not be considered complete until all closure report requirements are met.

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(9) If the underground storage tank contains hazardous substances, the owner and operator shall perform sampling and analyses as required for the chemical of concern.

(10) The owner and operator shall demonstrate compliance with this section by providing a certification of compliance on the notification form under 329 IAC 9-2-2. The certification must demonstrate that the person that performs the work has been certified by the office of the state fire marshal under rules of the fire prevention and building safety commission at 675 IAC 12-12.

(b) Soil sampling for in-place closure must be achieved as follows:

(1) The owner and operator shall submit a site plan with proposed boring locations to the agency with the notification form under 329 IAC 9-2-2 and to the office of the state fire marshal for approval to request in-place closure. The accompanying map must be to scale and include the entire site. Submission of an additional map of solely the underground storage area is recommended for large sites. The boring locations should be as follows:

(A) One (1) boring every twenty (20) feet around the tank area, with a minimum of four (4) borings.

(B) Each boring must be within three (3) feet adjacent to the underground storage tank.

(2) The commissioner may grant conditional approval to proceed with in-place closure of the UST system based on the following:

(A) The location of the borings as required under subdivision (1).

(B) Approval from the office of the state fire marshal.

(3) After approval is received under subdivision (2), the owner and operator may proceed with soil borings that must meet the following requirements:

(A) Soil sampling must be performed continuously using a sampling device relevant to the drilling technology used.

(B) Borings must extend two (2) feet or greater below the elevation of the base of the underground storage tank.

(C) If the boring depth is fifteen (15) feet or less, a minimum of two (2) soil samples are required at the following locations:

(i) The point where a contaminant is detected.

(ii) One (1) soil sample must be taken at the:

(AA) midpoint; and

(BB) bottom;

of the boring.

(D) If the boring depth is greater than fifteen (15) feet, a minimum of three (3) soil samples are required. The most shallow soil sample must be taken one (1) foot or greater below grade. Samples must be taken where the release is suspected or detected.

(4) Piping and dispenser sampling and analysis must be

completed under subsection (c)(3) or (c)(4).

(5) The waiver of closure sampling requirements under subsection (h) will not be granted for in-place closure.

(c) Soil sampling for removal closure must be achieved as follows:

(1) Soil removal is allowed as follows:

(A) The backfill may be removed from the following to provide access to native soil for sampling:

(i) Tank cavity excavation.

(ii) Piping trenches.

(iii) Dispensing unit areas.

(iv) Remote fill pipe trenches.

(B) Closure soil samples must be taken from the following:

(i) Excavated backfill under subdivision (2)(B).

(ii) Undisturbed native soil under subdivision (2)(A).

(2) Each underground storage tank excavation must be sampled separately. Composite samples are not acceptable for closure. The samples must meet the following requirements:

(A) All samples must be discrete grab samples taken directly from the undisturbed native soil from the base and sidewalls of the excavation. The following requirements apply to samples:

(i) Bottom samples must meet the following requirements:

(AA) Soil sampling must consist of a minimum of two (2) soil samples taken within two (2) feet below both ends of each underground storage tank.

(BB) If the underground storage tank capacity is greater than ten thousand (10,000) gallons, one (1) additional sample must be taken within two (2) feet below the middle of the underground storage tank.

(ii) Sidewall samples must meet the following requirements:

(AA) The sidewalls must be sampled and analyzed at a rate of one (1) sample every twenty (20) feet of perimeter distance around the excavation zone.

(BB) If the perimeter dimension measures less than eighty (80) feet, a minimum of one (1) sample for each sidewall must be taken.

(CC) Sidewall samples must be taken at a point half the distance from the surface to the bottom of the underground storage tank excavation.

(B) Excavated materials must be staged in a separate area. Samples must be discrete grab samples taken directly from the excavated materials. Sampling of the excavated soil must occur for every fifty (50) cubic yards of material.

(3) Native soil under piping and dispenser islands, which routinely contains regulated substances, must be sampled. All samples must be discrete grab samples. The following requirements apply to the number and location of sampling for piping and dispensers:

(A) Soil sampling under piping must be completed as follows:

(i) Soil under piping must be sampled every twenty (20) feet, or fraction thereof, along the piping run. If the piping run is less than twenty (20) feet in length, one (1) soil sample must be taken half the distance between the underground storage tank excavation and the pump or dispenser island.

(ii) Piping must have soil sampled under piping elbows and connectors.

(B) Soils under the dispenser islands must be sampled and analyzed at a rate of one (1) soil sample per dispenser.

(C) If the UST system has a remote fill line, the following soil samples must be collected:

(i) Soils under the remote fill line must be sampled and analyzed at the origin or fill area and every twenty (20) feet, or fraction thereof, from the fill area to the underground storage tank connection.

(ii) If the remote fill line is less than twenty (20) feet, one (1) soil sample must be taken half the distance between the fill area and the underground storage tank.

(D) Composite samples are not acceptable for closure.

(4) Soil sampling under the piping and product dispenser islands are not required if the following requirements are complied with:

(A) All:

(i) piping that routinely contains product; and
(ii) dispensers;

are located directly above the UST system that is being closed.

(B) The requirements of clause (A) are documented in the closure report.

(5) During removal closure, native soil and backfill that is to be returned to the underground storage tank excavation must be sampled. The sampling must meet the following requirements:

(A) The exposure criteria in accordance with IC 13-12-3-2.

(B) One (1) discrete grab sample must be taken for every fifty (50) cubic yards of native soil or backfill.

(d) Soil sampling for change-in-service must be achieved as follows:

(1) The boring locations are as follows:

(A) One (1) soil boring every twenty (20) feet around the tank area, with a minimum of four (4) borings.

(B) Each soil boring must be within three (3) feet adjacent to the underground storage tank.

(C) Soil sampling must be performed continuously using a sampling device relevant to the drilling technology used.

(D) Each soil boring must extend two (2) feet or greater below the elevation of the base of the underground storage tank.

(E) If the soil boring depth is fifteen (15) feet or less, a minimum of two (2) soil samples are required at the following locations:

(i) The point where a contaminant is detected.

(ii) One (1) soil sample must be taken at the:

(AA) midpoint; and

(BB) bottom;

of the soil boring.

(F) If the soil boring depth is greater than fifteen (15) feet, a minimum of three (3) soil samples are required. The most shallow soil sample must be taken one (1) foot or greater below grade. Samples must be collected where the release is suspected or detected.

(2) Piping and dispenser sampling and analysis must be completed under subsection (c)(3) or (c)(4).

(3) The waiver of closure sampling requirements under subsection (h) will not be granted for change in service.

(e) Water samples for an in-place closure must be collected in the following quantities and locations:

(1) One (1) boring must be placed in each of the four (4) principal directions within ten (10) feet of the area most likely to have contaminated ground water.

(2) Each boring must extend to the first saturated ground water zone or to a total depth of thirty (30) feet below grade at the area of suspected or confirmed release. A water sample must be collected from each boring if ground water is present within a depth of thirty (30) feet or less.

(3) If ground water is not encountered within a depth of thirty (30) feet, an additional soil sample must be obtained at the base of the boring or a minimum depth of thirty (30) feet.

(4) A ground water sample must be collected within any area where a suspected contaminant release has occurred, or where a chemical of concern release has been substantiated through one (1) of the following:

(A) Visual staining of the soil or water.

(B) Field screening with the following:

(i) Flame ionization detector or FID.

(ii) Photo ionization detector or PID.

(iii) Field gas chromatograph or GC.

(C) Petroleum odors.

(D) Laboratory analytical results.

(5) If bedrock is encountered in a boring before a depth of thirty (30) feet is reached, and a saturated ground water zone is not encountered in the boring, an owner or operator may contact the agency for approval of alternative sampling or waiver of ground water sampling requirements. The agency may approve a waiver of ground water sampling within the bedrock if the owner or operator can demonstrate the following:

(A) A soil zone at least ten (10) feet thick existing immediately above the bedrock does not have a contaminant.

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(B) A soil sample collected immediately above the bedrock does not have a contaminant.

(f) Water samples for a removal closure must be collected in the following quantities and locations:

(1) If any water is encountered in any excavation, a minimum of one (1) water sample must be appropriately collected from the water encountered.

(2) A ground water sample must be collected within any area where a suspected contaminant release has occurred, or where a chemical of concern release has been substantiated through one (1) of the following:

(A) Visual staining of the soil or water.

(B) Field screening with the following:

(i) Flame ionization detector or FID.

(ii) Photo ionization detector or PID.

(iii) Field gas chromatograph or GC.

(C) Petroleum odors.

(D) Laboratory analytical results.

(3) The sample collected in subdivision (2) must be collected from a continuously sampled boring that extends to the first saturated ground water zone or to a total depth of thirty (30) feet below grade at the area of suspected or confirmed release.

(4) If ground water is not encountered within a depth of thirty (30) feet, a soil sample must be obtained at the base of the boring.

(5) If bedrock is encountered in a boring before a depth of thirty (30) feet is reached, and a saturated ground water zone is not encountered in the boring, an owner or operator may contact the agency for approval of alternative sampling or waiver of ground water sampling requirements. The agency may approve a waiver of ground water sampling within the bedrock if the owner or operator can demonstrate the following:

(A) A soil zone at least ten (10) feet thick existing immediately above the bedrock does not have a contaminant.

(B) A soil sample collected immediately above the bedrock does not have a contaminant.

(g) Water samples for a change-in-service must be collected in the following quantities and locations:

(1) One (1) boring must be placed in each of the four (4) principal directions within ten (10) feet of the area most likely to have contaminated ground water.

(2) Each boring must extend to the first saturated ground water zone or to a total depth of thirty (30) feet below grade at the area of suspected or confirmed release. A water sample must be collected from each boring if ground water is present within a depth of thirty (30) feet depth or less.

(3) If ground water is not encountered within a depth of thirty (30) feet, an additional soil sample must be obtained at the base of the boring or a minimum depth of thirty (30) feet.

(4) A ground water sample must be collected within any area where a suspected contaminant release has occurred,

or where a chemical of concern release has been substantiated through one (1) of the following:

(A) Visual staining of the soil or water.

(B) Field screening with the following:

(i) Flame ionization detector or FID.

(ii) Photo ionization detector or PID.

(iii) Field gas chromatograph or GC.

(C) Petroleum odors.

(D) Laboratory analytical results.

(5) If bedrock is encountered in a boring before a depth of thirty (30) feet is reached, and a saturated ground water zone is not encountered in the boring, an owner or operator may contact the agency for approval of alternative sampling or waiver of ground water sampling requirements. The agency may approve a waiver of ground water sampling within the bedrock if the owner or operator can demonstrate the following:

(A) A soil zone at least ten (10) feet thick existing immediately above the bedrock does not have a contaminant.

(B) A soil sample collected immediately above the bedrock does not have a contaminant.

(h) Closure sampling waiver requirements must be completed as follows:

(1) The commissioner may waive closure sampling based on the following:

(A) The LUST incident number is assigned and the following requirements are completed:

(i) Closure is conducted due to a confirmed release at the site.

(ii) The confirmed release occurred before the request for closure.

(B) The initial site characterization meets the requirements of 329 IAC 9-5-5.1.

(C) The corrective action plan meets the requirements of 329 IAC 9-5-7.

(2) Sites that have previous releases and are not under remediation at the time of closure are not eligible for the closure sampling waiver.

(Solid Waste Management Board; 329 IAC 9-6-2.5; filed Aug 30, 2004, 9:35 a.m.; 28 IR 168)

SECTION 38. 329 IAC 9-6-3 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-6-3 Applicability to previously closed UST systems

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

Affected: IC 13-23

Sec. 3. When directed by the commissioner, the owner and operator of a UST system permanently closed before December 22, 1988, shall assess the excavation zone and close the UST system in accordance with this rule, and the closure must be performed by a person certified under the rules of the fire prevention and building safety commission at 675

IAC 12-12, if releases from the underground storage tank may, in the judgment of the commissioner, pose a current or potential threat to human health and the environment. ~~under rules of the fire prevention and building safety commission at 675 IAC 12-12.~~ (Solid Waste Management Board; 329 IAC 9-6-3; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1074; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3722; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 172)

SECTION 39. 329 IAC 9-6-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-6-4 Closure records

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 4. The owner and operator shall maintain records in accordance with 329 IAC 9-3-1 that are capable of demonstrating compliance with closure requirements under this rule. The results of the excavation zone assessment required in section 2 of this rule must be submitted to the agency within thirty (30) days after completion of ~~permanent~~ closure or change-in-service of the UST system. Results of the excavation zone assessment must be maintained for at least three (3) years after completion of ~~permanent~~ closure or change-in-service in one (1) of the following ways:

- (1) By the owner and operator who took the UST system out of service.
- (2) By the current owner and operator of the UST system site.
- (3) By mailing these records to the agency if the records cannot be maintained at the closed facility.

(Solid Waste Management Board; 329 IAC 9-6-4; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1074; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3722; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 173)

SECTION 40. 329 IAC 9-6-5 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-6-5 Temporary closure

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 5. (a) When ~~a~~ **an** UST system is temporarily closed, the owner and operator shall complete the following:

- (1) Continue operation and maintenance of corrosion protection under 329 IAC 9-3.1-2.
- (2) Continue operation and maintenance of any release detection under 329 IAC 9-7, except release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than:
 - (A) two and five-tenths (2.5) centimeters or one (1) inch of residue; or
 - (B) three-tenths percent (0.3%) by weight of the total capacity of the UST system;
 remains in the system.

(3) Comply with 329 IAC 9-4 and 329 IAC 9-5 if a release is suspected or confirmed.

(b) When ~~a~~ **an** UST system is temporarily closed for three (3) months or ~~more~~; **longer**, the owner and operator also shall comply with the following requirements:

- (1) Leave vent lines open and functioning.
- (2) Cap and secure the following:
 - (A) All other lines.
 - (B) Pumps.
 - (C) Manways.
 - (D) Ancillary equipment.

(c) When ~~a~~ **an** UST system has been temporarily closed for twelve (12) months, the following requirements must be completed:

- (1) The owner and operator shall permanently close the UST system if it does not meet **the**:
 - (A) ~~the~~ performance standards in 329 IAC 9-2-1 for new UST systems; or
 - (B) ~~the~~ upgrading requirements in 329 IAC 9-2.1; except that the spill and overfill equipment requirements do not have to be met.
- (2) The owner and operator shall permanently close the substandard UST system at the end of the temporary twelve (12) month period under sections 1 through 4 of this rule.
- (3) The commissioner may grant an extension of the twelve (12) month temporary closure period based on the following:
 - (A) The owner and operator shall complete a site assessment under section 2 of this rule before the owner and operator may apply for an extension.
 - (B) The length of the extension is based on the following:
 - (i) The results of the site assessment under clause (A).
 - (ii) The owner and operator shall submit written proof that explains why permanent closure cannot take place within the twelve (12) month period of temporary closure.
 - (iii) The owner and operator shall submit information that explains when permanent closure will take place.

(d) The owner and operator shall demonstrate compliance with this section by providing a certification of compliance on the ~~underground storage tank~~ notification form under 329 IAC 9-2-2. The certification must demonstrate that the person that performs the work has been certified by the office of the state fire marshal under rules of the fire prevention and building safety commission at 675 IAC 12-12. (Solid Waste Management Board; 329 IAC 9-6-5; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3722; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 173)

SECTION 41. 329 IAC 9-7-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-7-1 General requirements for all UST systems

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

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Sec. 1. (a) All owners and operators of new and existing UST systems shall provide a method, or combination of methods, of release detection that does the following:

- (1) Can detect a release from any portion of the tank and the connected underground piping that routinely contains product.
- (2) Is installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition.
- (3) Meets the performance requirements in section 4 or 5 of this rule, with any performance claims and the manner of determination of the performance claims described in writing by the equipment manufacturer or installer. In addition, methods used after the date shown in the following table corresponding with the specified method, except for methods permanently installed prior to that date, must be capable of detecting the leak rate or quantity specified for that method in the corresponding citation of this rule shown in the table with a probability of detection (Pd) of ninety-five hundredths (0.95) and a probability of false alarm (Pfa) of five-hundredths (0.05):

Method	Citation	Date After Which Pd/Pfa Was Demonstrated
Manual tank gauging	section 4(2) of this rule	December 22, 1990
Tank tightness testing	section 4(3) of this rule	December 22, 1990
Automatic tank gauging	section 4(4) of this rule	December 22, 1990
Automatic line leak detectors	section 5(1) of this rule	September 22, 1991
Line tightness testing	section 5(2) of this rule	December 22, 1990

(b) When a release detection method that is operated under the performance standards in sections 4 and 5 of this rule indicates a release may have occurred, the owner and operator shall notify the agency under 329 IAC 9-4.

(c) Owners and operators of all UST systems shall comply with the release detection requirements of this rule by December 22 of the year listed in the following table:

SCHEDULE FOR PHASE-IN OF RELEASE DETECTION

Year System Was Installed	Year When Release Detection Was Required (By December 22 of the Year Indicated)				
	1989	1990	1991	1992	1993
Before 1965 or date unknown	RD	P			
1965-69		P/RD			
1970-74		P	RD		
1975-79		P		RD	
1980-88		P			RD
New tanks (after December 22, 1988)	immediately upon				

installation. P = Shall have begun release detection for all pressurized piping under sections 2(2)(A) and 3(2)(D) of this rule. RD = Shall have begun release detection for tanks and suction piping under sections 2(1), 2(2)(B), and 3 of this rule.

(d) Any existing UST system that cannot apply a method of release detection that complies with this rule shall complete the closure procedures under ~~329 IAC 9-6~~ **329 IAC 9-6-2.5** by the date on which release detection is required for that UST system under subsection (c). (*Solid Waste Management Board; 329 IAC 9-7-1; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3723; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 173*)

SECTION 42. 329 IAC 9-7-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-7-2 Requirements for petroleum UST systems

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 2. The owner and operator of a petroleum UST system shall provide release detection for tanks and piping as follows:

(1) Tanks must be monitored at least every thirty (30) days for releases using one (1) of the methods listed in section 4(4) through 4(8) of this rule, except for the following:

- (A) ~~★~~ **An** UST system that meets
- (i) the performance standards in 329 IAC 9-2-1 or 329 IAC 9-2.1 **and may use:**
 - (ii) (i) the monthly inventory control requirements in section 4(1) or 4(2) of this rule; **may use and**
 - (ii) tank tightness testing conducted under section 4(3) of this rule at least every five (5) years until December 22, 1998, or until ten (10) years after the tank is installed or upgraded under 329 IAC 9-2.1-1(b), whichever is later.

(B) ~~★~~ **An** UST system that does not meet the performance standards in 329 IAC 9-2-1 or 329 IAC 9-2.1 may use:

- (i) monthly inventory controls conducted under section 4(1) or 4(2) of this rule; and
- (ii) annual tank tightness testing conducted under section 4(3) of this rule;

until December 22, 1998, when the tank must be upgraded under 329 IAC 9-2.1 or ~~permanently~~ closed under 329 IAC 9-6-1 **through 329 IAC 9-6-2.5.**

(C) Tanks with capacity of five hundred fifty (550) gallons or less may use weekly tank gauging conducted under section 4(2) of this rule.

(2) Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one (1) of the following requirements:

- (A) Underground piping that conveys regulated substances under pressure must:
- (i) be equipped with an automatic line leak detector under section 5(1) of this rule; and
 - (ii) have an annual line tightness test conducted under section 5(2) of this rule or have monthly monitoring

conducted under section 5(3) of this rule.

(B) Underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every three (3) years under section 5(2) of this rule or use a monthly monitoring method under section 5(3) of this rule. No release detection is required for suction piping that is designed and constructed to meet the following standards:

- (i) The below-grade piping operates at less than atmospheric pressure.
- (ii) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released.
- (iii) Only one (1) check valve is included in each suction line.
- (iv) The check valve is located directly below and as close as practical to the suction pump.
- (v) A method is provided that allows compliance with items (ii) through (iv) to be readily determined.

(Solid Waste Management Board; 329 IAC 9-7-2; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3724; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 174)

SECTION 43. 329 IAC 9-7-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-7-4 Methods of release detection for tanks

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2
Affected: IC 13-23

Sec. 4. Each method of release detection for tanks used to meet section 2 of this rule must be conducted in accordance with the following:

- (1) Product inventory control, or another test of equivalent performance, must be conducted monthly to detect a release of at least one percent (1.0%) of flow-through plus one hundred thirty (130) gallons on a monthly basis in the following manner:
 - (A) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded each operating day.
 - (B) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth (C) of an inch.
 - (C) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.
 - (D) Product dispensing is metered and recorded within the local standards for meter calibration or an accuracy of six (6) cubic inches for every five (5) gallons of product withdrawn.
 - (E) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth (C) of an inch at least once a month.
 - (F) Deliveries must be made through a drop tube that extends to within one (1) foot of the tank bottom.

(2) Manual tank gauging must meet the following requirements:

- (A) Tank liquid level measurements are taken at the beginning and ending of a period of at least thirty-six (36) hours during which no liquid is added to or removed from the tank.
- (B) Level measurements are based on an average of two (2) consecutive stick readings at both the beginning and ending of the period in clause (A).
- (C) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth (C) of an inch.
- (D) A leak is suspected and subject to 329 IAC 9-4 if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

Nominal Tank Capacity	Weekly Standard (1 Test)	Monthly Standard (Average of 4 Tests)
550 gallons or less	10 gallons	5 gallons
551–1,000 gallons	13 gallons	7 gallons
1,001–2,000 gallons	26 gallons	13 gallons

- (E) The following requirements apply:
 - (i) Only tanks of five hundred fifty (550) gallons or less nominal capacity may use manual tank gauging as the sole method of release detection.
 - (ii) Tanks of five hundred fifty-one (551) to two thousand (2,000) gallons may use manual tank gauging in place of ~~manual~~ **product** inventory control in subdivision (1).
 - (iii) Tanks of greater than two thousand (2,000) gallons nominal capacity must not use manual tank gauging to meet the requirements of this rule.

(3) Tank tightness testing, or another test of equivalent performance, must be capable of detecting a one-tenth (0.1) gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of the following:

- (A) Thermal expansion or contraction of the product.
- (B) Vapor pockets.
- (C) Tank deformation, evaporation, or condensation.
- (D) Location of the water table.

(4) Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:

- (A) The automatic product level monitor test can detect a two-tenths (0.2) gallon per hour leak rate from any portion of the tank that routinely contains product.
- (B) Inventory control, or another test of equivalent performance, is conducted under subdivision (1).

(5) Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:

- (A) The materials used as backfill are sufficiently porous to readily allow diffusion of vapors from releases into the excavation area. The materials used as backfill may include any of the following:

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- (i) Gravel.
 - (ii) Sand.
 - (iii) Crushed rock.
- (B) The stored regulated substance or a tracer compound placed in the tank system, which may include gasoline as an example, is sufficiently volatile to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank.
- (C) The measurement of vapors by the monitoring device is not rendered inoperative by the:
- (i) ground water;
 - (ii) rainfall;
 - (iii) soil moisture; or
 - (iv) other known interferences;
- so that a release could go undetected for more than thirty (30) days.
- (D) The **background level of background contamination for contaminants** in the excavation zone must not interfere with the method used to detect releases from the tank.
- (E) The vapor monitors are designed and operated to detect any significant increase in concentration above background of any of the following:
- (i) The regulated substance stored in the tank system.
 - (ii) A component or components of the regulated substance stored in the tank system.
 - (iii) A tracer compound placed in the tank system.
- (F) In the UST excavation zone, the site is assessed **to:**
- (i) ~~to~~ ensure compliance with clauses (A) through (D); and
 - (ii) ~~to~~ establish the number and positioning of observation wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product.
- (G) Observation wells are clearly marked and secured to prevent damage and unauthorized access and tampering.
- (6) Testing or monitoring for liquids on the ground water must meet the following requirements:
- (A) The regulated substance stored is immiscible in water and has a specific gravity of less than one (1).
 - (B) Ground water is never more than twenty (20) feet from the ground surface. The hydraulic conductivity of the soil between the UST system and the observation wells, monitoring wells, or monitoring devices is not less than one-hundredth (0.01) centimeter per second. The soil may consist of any of the following:
 - (i) Gravel.
 - (ii) Coarse to medium sand.
 - (iii) Coarse silt.
 - (iv) Other permeable material.
- (C) The slotted portion of the observation well casing must be designed **to:**
- (i) ~~to~~ prevent migration of natural soils or filter pack into the well; and
 - (ii) ~~to~~ allow entry of regulated substance on the water table into the well under both high and low ground water conditions.
- (D) Observation wells must be sealed from the ground surface to the top of the filter pack.
- (E) Observation wells, monitoring wells, or monitoring devices must be located as follows:
- (i) An observation well intercepts the excavation zone.
 - (ii) A monitoring well that meets the requirements of rules of the ~~department of~~ natural resources **commission** at ~~310 IAC 16~~ **312 IAC 13** is installed as close to the excavation zone as is technically feasible if an observation well cannot intercept the excavation zone.
 - (iii) A monitoring device intercepts the excavation zone or is as close to the excavation zone as is technically feasible.
- (F) The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth (C) of an inch of free product on top of the ground water in the observation wells or monitoring wells.
- (G) Within and immediately below the UST system excavation zone, the site is assessed **to:**
- (i) ~~to~~ ensure compliance with clauses (A) through (E); and
 - (ii) ~~to~~ establish the number and positioning of observation wells, monitoring wells, or monitoring devices that will detect releases from any portion of the tank that routinely contains product.
- (H) Observation wells and monitoring wells are clearly marked and secured to prevent damage and unauthorized access and tampering.
- (7) Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and installed to detect a leak from any portion of the tank that routinely contains product and also meets one (1) of the following requirements:
- (A) For a double-walled UST system, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product.
 - (B) For ~~a~~ **an** UST system with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier. The following must be completed:
 - (i) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (no more than 1×10^{-6} centimeters per second for water) to direct a release to an observation well and allow its detection.
 - (ii) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected.
 - (iii) For cathodically protected tanks, the secondary barrier must be installed so that the secondary barrier does not interfere with the proper operation of the cathodic protection system.
 - (iv) The ground water, soil moisture, or rainfall must not

render the testing or sampling method used inoperative so that a release could go undetected for more than thirty (30) days.

(v) The site is assessed to ensure that the secondary barrier is always above the ground water and not in a twenty-five (25) year flood plain unless the barrier and observation well designs are for use under such conditions.

(vi) Observation wells are clearly marked and secured to prevent damage and unauthorized access and tampering.

(C) For tanks with an internally fitted liner, the following must be completed:

(i) An automated device that can detect a release between the inner wall of the tank and the liner.

(ii) The liner is compatible with the substance stored.

(8) Any other type of release detection method, or combination of methods, may be used if one (1) of the following is completed:

(A) The release detection method or combination of methods must meet the following requirements:

(i) Capability to detect a two-tenths (0.2) gallon per hour leak rate or a release of one hundred fifty (150) gallons within a month.

(ii) Probability of detection of ninety-five hundredths (0.95) and a probability of false alarm of five-hundredths (0.05).

(iii) The method is third party certified.

(B) The commissioner may approve another method if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subdivisions (3) through (7) and clause (A). In comparing methods, the commissioner shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with any conditions imposed by the commissioner on the method's use to ensure the protection of human health and the environment.

(Solid Waste Management Board; 329 IAC 9-7-4; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3725; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 175)

SECTION 44. 329 IAC 9-7-5 IS AMENDED TO READ AS FOLLOWS:

329 IAC 9-7-5 Methods of release detection for piping

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

Affected: IC 13-23

Sec. 5. Each method of release detection for piping used to meet section 2 of this rule must be conducted in accordance with the following:

(1) ~~A~~ **method Automatic line leak detectors. Methods that alerts alert** the operator to the presence of a leak by:

(A) restricting or shutting off the flow of regulated sub-

stances through piping; or

(B) triggering an audible or visual alarm;

may be used only if it detects leaks of at least three (3) gallons per hour at ten (10) pounds per square inch line pressure within one (1) hour. An annual test of the operation of the automatic line leak detector must be conducted in accordance with the manufacturer's requirements.

(2) **Line tightness testing.** A periodic line tightness test of piping may be conducted only if it can detect a one-tenth (0.1) gallon per hour leak rate at one and one-half (1½) times the operating pressure.

(3) **Applicable tank methods.** Any of the methods in section 4(5) through 4(8) of this rule may be used if the methods are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

(Solid Waste Management Board; 329 IAC 9-7-5; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3727; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177)

SECTION 45. THE FOLLOWING ARE REPEALED: 329 IAC 9-1-10.1; 329 IAC 9-1-10.2; 329 IAC 9-1-14.1; 329 IAC 9-1-29.1; 329 IAC 9-1-41; 329 IAC 9-1-41.1; 329 IAC 9-1-42.1; 329 IAC 9-5-3.1; 329 IAC 9-5-4.1; 329 IAC 9-6-2; 329 IAC 9-7-6.

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Filed with Secretary of State: August 30, 2004, 9:35 a.m.

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: **Notice received by Publisher August 31, 2004:** "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," United States Environmental Protection Agency Publication SW-846, Third Edition (November 1986) as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), and III (December 1996); Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, previously filed with LSA Document #95-137 on March 14, 1996, and LSA Document #97-220 on January 9, 1998; Underwriters Laboratories Standard 971, "Nonmetallic Underground Piping for Flammable Liquids, 1995", previously filed with LSA Document #98-153 on July 19, 1999; ASTM Standard D4021-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks," revised 1992, previously filed with LSA document #98-153 on July 19, 1999; Steel Tank Institute "Sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks, STI-P3-98", revised 1998, previously filed with LSA Document #98-153 on July 19, 1999; NACE International Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995,*

previously filed with LSA Document #98-153 on July 19, 1999; American Petroleum Institute Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems," Fifth Edition, March 1996, previously filed with LSA Document #98-153 on July 19, 1999; American Petroleum Institute Recommended Practice 1626, "Storing and Handling of Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations," First Edition, April 1985, previously filed with LSA Document #98-153 on July 19, 1999; American Petroleum Institute Recommended Practice 1627, "Storing and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations," First Edition, August 1986, previously filed with LSA Document #98-153 on July 19, 1999; American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," Third Edition, May 1996, previously filed with LSA Document #98-153 on July 19, 1999; American Petroleum Institute Recommended Practice 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines," Third Edition, May 1994, previously filed with LSA Document #98-153 on July 19, 1999; Association for Composite Tanks ACT-100®, Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks, F894-98", revised 1998, previously filed with LSA Document #98-153 on July 19, 1999; Section 6991(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended 42 U.S.C. 6901, et seq., in effect on September 30, 1996, previously filed with LSA Document #98-153 on July 19, 1999; Section 3004(u) (42 U.S.C. 6924(u)) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq., in effect on September 30, 1996, previously filed with LSA Document #98-153 on July 19, 1999. **Second notice received by Publisher September 3, 2004:** American National Standards Institute/American Society of Mechanical Engineers Standard, ASME B31.3-1999 Edition, "Process Piping"; American National Standards Institute/American Society of Mechanical Engineers Standard, ASME B31.4-1998 Edition, "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids"; American Petroleum Institute Recommended Practice 1631, Fifth Edition, "Interior Lining and Periodic Inspection of Underground Storage Tanks", June 2001; ASTM Standard G57-95a, "Standard Test Method for Field Measurement of Soil Resistivity Using the Wenner Four-Electrode Method", revised 1995, reapproved 2001; NACE International Standard RPO169-96, Standard Recommended Practice, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems"; National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10-Year Life of Existing Steel Underground Storage Tanks by Lining Without the Addition of Cathodic Protection", revised 1992; Petroleum Equipment Institute Publication PEI/RP100-2000, "Recommended Practices for Installation of Underground Liquid Storage Systems," PEI/RP 100-00; Underwriters Laboratories Stan-

dard 58, Ninth Edition, "Steel Underground Tanks for Flammable and Combustible Liquids", 1998; Underwriters Laboratories Standard UL 567, Eighth Edition, Revised 2001, "Pipe Connectors for Petroleum Products and LP Gas"; Underwriters Laboratories, Inc. Standard for Safety UL 1316, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohol, and Alcohol-Gasoline Mixtures", 1996; Underwriters Laboratories, Inc. Standard for Safety UL 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks", 2000; Underwriters Laboratories of Canada CAN/ULC 4-S603-92, Second Edition, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids"; Underwriters Laboratories of Canada CAN/ULC S-603.1-92, Second Edition, "Standard for Galvanic Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids"; Underwriters Laboratories of Canada CAN/ULC 615-98, Second Edition, "Standard for Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids"; Underwriters Laboratories of Canada CAN/ULC 4-S631-M84, "Standard for Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic System", Amended 1992; Underwriters Laboratories of Canada ULC/ORD C107.7-1993, First Edition, "Glass-Fibre Reinforced Plastic Pipe and Fittings for Flammable and Combustible Liquids", 1993; Underwriters Laboratories of Canada Standard CAN/ULC S633-99, Third Edition, "Flexible Underground Hose Connectors for Flammable and Combustible Liquids", 1999; 40 CFR 302.4, Revised 2000.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #03-263(F)

DIGEST

Amends 405 IAC 2-3-10 to specify that expenses that are subject to payment by a third party may not be used to establish spend-down eligibility for months prior to the month in which the expense is submitted, and to provide that, if a recipient does not meet his or her spend-down for four consecutive months, medical assistance shall be discontinued. Effective 30 days after filing with the secretary of state.

405 IAC 2-3-10

SECTION 1. 405 IAC 2-3-10 IS AMENDED TO READ AS FOLLOWS:

405 IAC 2-3-10 Spend-down eligibility

Authority: IC 12-13-5-3; IC 12-13-7-3; IC 12-15-1-10

Affected: IC 12-15-4; IC 12-15-5

Sec. 10. (a) As used in this section, "countable income" and "incurred medical expenses" ~~are those found~~ **have the mean-**

ings set forth in ~~42 CFR 435.732~~ **42 CFR 435.121(f)** and section 3 of this rule. **For purposes of this section, “third party” does not include the following:**

- (1) A state program.**
- (2) A local program.**
- (3) Discounts or assistance received under the Medicare drug discount card and transitional assistance program authorized under 42 U.S.C. 1395w-141.**

(b) Any otherwise eligible applicant or recipient whose countable monthly income exceeds the applicable income limit specified in section 18 of this rule is eligible for medical assistance for that part of any month after his or her incurred medical expenses equal his or her excess income.

(c) In order to be determined eligible for medical assistance under this section, the applicant or recipient must provide to the county department, for each month in which he or she requests medical assistance, documentary verification of his or her incurred medical expenses for which he or she remains currently liable. The county department will promptly determine the date on which the applicant became eligible for medical assistance and issue the appropriate eligibility documents for the remainder of that month.

(d) If a medical expense that is subject to payment by a third party is submitted to the county department in a month later than the month in which the service is provided, no portion of the expense will be allowed in the spend-down eligibility determination until the third party has adjudicated and paid its obligated amount. The portion of the expense that is paid by the third party shall not be allowed in the spend-down eligibility determination. The portion of the expense for which the recipient remains liable after the third party has paid its obligated amount shall be allowed toward spend-down eligibility.

(e) An expense that is subject to payment by a third party shall be allowed in the spend-down eligibility determination if it is submitted to the county department in the month in which the service is provided, with the following limitations:

- (1) Expenses for Medicare covered services are not allowed for recipients who are eligible as qualified Medicare beneficiaries under 42 U.S.C.1396a(a)(10)(E)(i).**
- (2) The allowed amount of an incurred expense for which the provider of service accepts Medicare assignment shall not exceed the Medicare approved amount. However, if the Medicare approved amount is not verifiable, the provider’s usual and customary charge for the service will be allowed.**
- (3) If a liable third party has paid a portion of the expense at the time the expense is submitted, the portion of the expense that has been paid by the third party shall not be allowed in the spend-down eligibility determination.**

~~(d)~~ **(f) If the applicant’s anticipated medical expenses do not**

exceed his or her excess income, his or her application will be denied. Such an applicant may reapply at any time.

(g) If a recipient does not submit medical expenses to the county department to meet his or her spend-down for four (4) consecutive months, medical assistance shall be discontinued. (*Office of the Secretary of Family and Social Services; 405 IAC 2-3-10; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1021, eff Apr 1, 1984; filed Feb 16, 1993, 5:00 p.m.: 16 IR 1785; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3382; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Sep 7, 2004, 5:00 p.m.: 28 IR 178*) *NOTE: Transferred from the Division of Family and Children (470 IAC 9.1-3-12) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-10) by P.L.9-1991, SECTION 131, effective January 1, 1992.*

*LSA Document #03-263(F)
Notice of Intent Published: October 1, 2003; 27 IR 209
Proposed Rule Published: January 1, 2004; 27 IR 1209
Hearing Held: January 27, 2004
Approved by Attorney General: August 24, 2004
Approved by Governor: September 2, 2004
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IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #04-95(F)

DIGEST

Amends 405 IAC 6-2-5, 405 IAC 6-3-3, 405 IAC 6-4-2, 405 IAC 6-4-3, 405 IAC 6-5-1, 405 IAC 6-5-2, 405 IAC 6-5-3, 405 IAC 6-5-4, and 405 IAC 6-5-6 concerning eligibility and benefits under the Indiana Prescription Drug Program, the definition and duration of eligibility, and the benefits for enrollees. Effective 30 days after filing with the secretary of state.

- | | |
|----------------------|----------------------|
| 405 IAC 6-2-5 | 405 IAC 6-5-2 |
| 405 IAC 6-3-3 | 405 IAC 6-5-3 |
| 405 IAC 6-4-2 | 405 IAC 6-5-4 |
| 405 IAC 6-4-3 | 405 IAC 6-5-6 |
| 405 IAC 6-5-1 | |

SECTION 1, 405 IAC 6-2-5, AS AMENDED AT 27 IR 2486, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

405 IAC 6-2-5 “Complete application” defined

Authority: IC 12-10-16-5
Affected: IC 12-10-16

Sec. 5. “Complete application” means an application that includes the following information about the applicant and

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applicant's spouse, if applicable:

- (1) Name.
- (2) Address of domicile.
- (3) Date of birth.
- (4) Social Security number.
- (5) Marital status.
- (6) Whether the applicant currently has insurance that includes a prescription drug benefit, **except for a Medicare Drug Discount Card.**
- (7) Whether the applicant is on Medicaid with prescription drug assistance.
- (8) Whether the applicant intends to reside in Indiana permanently.
- (9) Proof of income.
- (10) Signature.

(Office of the Secretary of Family and Social Services; 405 IAC 6-2-5; filed Mar 8, 2001, 11:19 a.m.: 24 IR 2457; filed Nov 4, 2002, 12:13 p.m.: 26 IR 697; filed Mar 22, 2004, 3:15 p.m.: 27 IR 2486; filed Sep 7, 2004, 5:05 p.m.: 28 IR 179)

SECTION 2. 405 IAC 6-3-3, AS AMENDED AT 27 IR 2487, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

405 IAC 6-3-3 Date of availability

Authority: IC 12-10-16-5
Affected: IC 12-10-16

Sec. 3. (a) After July 1, 2002, program availability will be no sooner than the date complete application is received and approved.

(b) Those enrollees applying on or before the tenth of a month will have point of service benefits available on the first day of the following month. Those enrollees applying after the tenth of a month will have point of service benefits available no later than the first day of the second following month.

(c) The program is not available for prescription drugs purchased prior to the month in which the enrollee turned sixty-five (65) years of age.

(d) All current enrollees shall be automatically enrolled in a new benefit period on June 1, 2004. *(Office of the Secretary of Family and Social Services; 405 IAC 6-3-3; filed Mar 8, 2001, 11:19 a.m.: 24 IR 2459; filed Nov 4, 2002, 12:13 p.m.: 26 IR 699; filed Mar 22, 2004, 3:15 p.m.: 27 IR 2487; filed Sep 7, 2004, 5:05 p.m.: 28 IR 180)*

SECTION 3. 405 IAC 6-4-2, AS AMENDED AT 27 IR 2487, SECTION 4, IS AMENDED TO READ AS FOLLOWS:

405 IAC 6-4-2 Income

Authority: IC 12-10-16-5
Affected: IC 12-10-16

Sec. 2. (a) To be eligible for the program, an applicant's monthly family net income must not exceed the income limit listed **below as follows** for the applicant's family size:

Family Size	Net Monthly Income Limit
1	\$1,011 \$1,048
2	\$1,364 \$1,406
3	\$1,717 \$1,764

(b) For each additional family member over three (3), the family member standard shall be added to the net monthly income limit for a family of three (3) in order to calculate the net monthly income limit. A child who earns more than the family member standard per month is not included in the calculation of monthly net income or in family size.

(c) The monthly net income limits are determined by multiplying the annual federal poverty guideline amounts for each family size by one hundred thirty-five percent (135%), dividing by twelve (12), and then rounding up to the next whole dollar.

(d) The income standards in subsection (a) shall increase annually in the same percentage ~~(%)~~ amount that is applied to the federal poverty guideline. The increase shall be effective on the first day of the second month following the month of publication of the federal poverty guideline in the Federal Register.

(e) The Social Security cost of living adjustment (COLA) received annually in January is disregarded until subsection (d) occurs.

(f) A general ~~monthly~~ income disregard of twenty dollars (\$20) is allowed and applied per household. It is deducted from the total monthly net income. *(Office of the Secretary of Family and Social Services; 405 IAC 6-4-2; filed Mar 8, 2001, 11:19 a.m.: 24 IR 2459; filed Nov 4, 2002, 12:13 p.m.: 26 IR 699; filed Mar 22, 2004, 3:15 p.m.: 27 IR 2487; filed Sep 7, 2004, 5:05 p.m.: 28 IR 180)*

SECTION 4. 405 IAC 6-4-3, AS AMENDED AT 27 IR 2487, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

405 IAC 6-4-3 Ineligibility

Authority: IC 12-10-16-5
Affected: IC 12-10-16

Sec. 3. Notwithstanding any other provision of this article, an individual is not eligible for the program if any of the following apply:

- (1) The ~~individual applicant currently~~ has ~~health~~ insurance ~~with that includes~~ a prescription drug benefit, ~~at the time of application:~~ **except for a Medicare Drug Discount Card.**
- (2) The individual is not domiciled in Indiana.
- (3) The individual does not intend to reside permanently in Indiana.
- (4) The individual is an inmate of a correctional facility.

(Office of the Secretary of Family and Social Services; 405 IAC 6-4-3; filed Mar 8, 2001, 11:19 a.m.: 24 IR 2460; errata filed May 30, 2001, 10:00 a.m.: 24 IR 3070; filed Mar 22, 2004, 3:15 p.m.: 27 IR 2487; filed Sep 7, 2004, 5:05 p.m.: 28 IR 180)

SECTION 5. 405 IAC 6-5-1, AS AMENDED AT 27 IR 2487, SECTION 6, IS AMENDED TO READ AS FOLLOWS:

405 IAC 6-5-1 Prescription drug coverage

Authority: IC 12-10-16-5
Affected: IC 12-10-16

Sec. 1. An eligible enrollee may go to any participating provider to purchase prescription drugs and present his or her prescription and program identification card at the point of service to receive immediate program benefits. At the point of service, the provider shall determine the following:

- (1) Whether the enrollee is eligible.
- (2) Whether the individual whose name appears on the identification card is the same as the individual for whom the prescription is written.
- (3) Whether the enrollee has benefits available.
- (4) The price of a prescription drug in accordance with 405 IAC 6-8-3.
- (5) That all prescription discounts, if applicable, are taken after the appropriate drug price has been determined.
- (6) The amount of the enrollee's copayment.
- (7) Whether the individual has a Medicare Drug Discount Card and has spent the six hundred dollar (\$600) annual transitional assistance credit. The provider shall encourage the enrollee to use the Medicare Drug Discount Card benefit first.**

(Office of the Secretary of Family and Social Services; 405 IAC 6-5-1; filed Mar 8, 2001, 11:19 a.m.: 24 IR 2460; filed Nov 4, 2002, 12:13 p.m.: 26 IR 700; filed Mar 22, 2004, 3:15 p.m.: 27 IR 2487; filed Sep 7, 2004, 5:05 p.m.: 28 IR 181)

SECTION 6. 405 IAC 6-5-2, AS AMENDED AT 27 IR 2488, SECTION 7, IS AMENDED TO READ AS FOLLOWS:

405 IAC 6-5-2 Benefit defined by family income level

Authority: IC 12-10-16-5
Affected: IC 12-10-16

Sec. 2. (a) The **amount of benefit at the time of purchase, which is issued to an enrollee per benefit period, is will be limited by family monthly net income as follows: to a maximum of one thousand two hundred dollars (\$1,200) over a period of nineteen (19) months and prorated depending on time of enrollment.**

Income Guide- line	Individual's Monthly Net Income	Couple's Monthly Net Income	Annual Benefit
Up to 135% of federal poverty guideline	Up to \$1,011 per month	Up to \$1,364 per month	50% benefit; up to \$500 bene- fit/year
Up to 120% of federal poverty guideline	Up to \$898 per month	Up to \$1,212 per month	50% benefit; up to \$750 bene- fit/year

Under 100% of federal poverty guideline	Up to \$748 per month	Up to \$1,010 per month	50% benefit; up to \$1,000 bene- fit/year
\$1,200 if en- rolled June – September 2004	\$1,000 if en- rolled October – December 2004	\$800 if enrolled January – March 2005	Prorate \$200 per quarter after March 2005

(b) An enrollee and spouse who are enrolled in the program will each receive the maximum benefit at the time of purchase for prescription drug expenses **up to the annual benefit for which amount** in subsection (a) **for which** they qualify. **by family income level.**

(c) The prescription drug program will pay seventy-five percent (75%) of the cost of prescription drugs up to the individual's maximum limit. Enrollee will pay twenty-five percent (25%) of the cost of prescription drugs up to the individual's maximum limit.

~~(e)~~ **(d)** Upon such time as the enrollee exceeds the **annual maximum** benefit, the enrollee may use the program identifica- tion card to access program benefit prescription drug rates as defined by 405 IAC 6-8-3 and 405 IAC 6-8-4 ~~until the enrollee benefit period expires: through December 31, 2005.~~ *(Office of the Secretary of Family and Social Services; 405 IAC 6-5-2; filed Mar 8, 2001, 11:19 a.m.: 24 IR 2460; filed Nov 4, 2002, 12:13 p.m.: 26 IR 700; filed Mar 22, 2004, 3:15 p.m.: 27 IR 2488; filed Sep 7, 2004, 5:05 p.m.: 28 IR 181)*

SECTION 7. 405 IAC 6-5-3, AS AMENDED AT 27 IR 2488, SECTION 8, IS AMENDED TO READ AS FOLLOWS:

405 IAC 6-5-3 Benefit period

Authority: IC 12-10-16-5
Affected: IC 12-10-16

Sec. 3. The **point of service** benefit shall be ~~one (1) year for a period~~ of continuous eligibility up to the benefit limit ~~in accordance with limits delineated in~~ section 2 of this rule. *(Office of the Secretary of Family and Social Services; 405 IAC 6-5-3; filed Mar 8, 2001, 11:19 a.m.: 24 IR 2460; filed Nov 4, 2002, 12:13 p.m.: 26 IR 700; filed Mar 22, 2004, 3:15 p.m.: 27 IR 2488; filed Sep 7, 2004, 5:05 p.m.: 28 IR 181)*

SECTION 8. 405 IAC 6-5-4, AS AMENDED AT 27 IR 2488, SECTION 9, IS AMENDED TO READ AS FOLLOWS:

405 IAC 6-5-4 Benefit duration

Authority: IC 12-10-16-5
Affected: IC 12-10-16

Sec. 4. (a) The point of service benefit is available to an enrollee for ~~one (1) year of continuous benefits: through December of 2005.~~

(b) Following the expiration of the enrollee's last benefit period,

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the individual must reenroll for the point of service benefit. A new application must be submitted to the office in accordance with this article. (*Office of the Secretary of Family and Social Services; 405 IAC 6-5-4; filed Mar 8, 2001, 11:19 a.m.: 24 IR 2460; filed Nov 4, 2002, 12:13 p.m.: 26 IR 701; filed Mar 22, 2004, 3:15 p.m.: 27 IR 2488; filed Sep 7, 2004, 5:05 p.m.: 28 IR 181*)

SECTION 9. 405 IAC 6-5-6, AS AMENDED AT 27 IR 2489, SECTION 10, IS AMENDED TO READ AS FOLLOWS:

405 IAC 6-5-6 Benefits; program appropriations

Authority: IC 12-10-16-5

Affected: IC 12-10-16

Sec. 6. (a) At the point of service, benefits are available under this program on a first come, first served basis.

(b) If eligible, enrollees are encouraged to enroll in the Medicare Drug Discount Card program and apply for the six hundred dollar (\$600) annual transitional assistance available for low-income beneficiaries. Seniors are encouraged to use the six hundred dollar (\$600) annual Medicare benefit first before using the prescription drug program benefit.

~~(b)~~ (c) Benefits will exist under this program to the extent that appropriations are available for the program.

~~(e)~~ (d) The state budget director shall determine if appropriations are available to continue offering and paying benefits to enrollees. (*Office of the Secretary of Family and Social Services; 405 IAC 6-5-6; filed Mar 8, 2001, 11:19 a.m.: 24 IR 2460; filed Nov 4, 2002, 12:13 p.m.: 26 IR 701; filed Mar 22, 2004, 3:15 p.m.: 27 IR 2489; filed Sep 7, 2004, 5:05 p.m.: 28 IR 182*)

LSA Document #04-95(F)

Notice of Intent Published: May 1, 2004; 27 IR 2523

Proposed Rule Published: July 1, 2004; 27 IR 3209

Hearing Held: July 27, 2004

Approved by Attorney General: August 30, 2004

Approved by Governor: September 3, 2004

Filed with Secretary of State: September 7, 2004, 5:05 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #03-297(F)

DIGEST

Amends 410 IAC 16.2-3.1-2 to require an independent verification of financial status by a certified public accountant and to clarify applicability of the rule. Amends 410 IAC 16.2-5-

1.1 to require an independent verification of financial status by a certified public accountant, to clarify applicability of the rule, and to amend the fine. Effective 30 days after filing with the secretary of state.

410 IAC 16.2-3.1-2

410 IAC 16.2-5-1.1

SECTION 1. 410 IAC 16.2-3.1-2 IS AMENDED TO READ AS FOLLOWS:

410 IAC 16.2-3.1-2 Licenses

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-18-2-167; IC 16-28-1-10; IC 16-28-2-2; IC 16-28-2-4; IC 16-28-5-7

Sec. 2. (a) Any person, in order to lawfully operate a health facility as defined in IC 16-18-2-167, shall first obtain an authorization to occupy the facility or a license from the director. The applicant shall notify the director, in writing, before the applicant begins to operate a facility that is being purchased or leased from another licensee. Failure to notify the director precludes the issuance of a full license.

~~(b)~~ An application shall be submitted on the prescribed form in accordance with IC 16-28-2-2. The application shall include identification of direct or indirect ownership interest of five percent (5%) or more and of corporate officers or partners:

(c) Any change in direct or indirect corporate ownership of five percent (5%) or more, which occurs during the licensure period, shall be reported to the director, in writing, at the time of the change. The facility must also provide written notice at the time the change occurs in the officers, directors, agents, or managing employees, or the corporation, association, or other company responsible for the management of the facility.

(b) The director may approve occupancy and use of the structure pending a final licensure decision.

~~(d)~~ (c) **The director may issue a health facility license for a new facility an existing facility that proposes a change in the number of beds; or a facility that has changed ownership is obtained as follows: upon receipt, review, and approval of the following requirements:**

(1) Prior to the start of construction, detailed architectural and operational plans shall be submitted through the office of the state building commissioner to the division for consideration and approval. The plans shall state the licensure classification sought. Plans for projects involving less than thirty thousand (30,000) cubic feet require suitable detailed plans and sketches. Plans for projects involving more than thirty thousand (30,000) cubic feet require certification by an architect or an engineer registered in Indiana. A plan of operation, in sufficient detail to facilitate the review of functional areas, that is, nursing unit, laundry, and kitchen, shall accompany the submitted plan.

(2) Upon receipt of a design release from the state building commissioner and the state fire marshal, an application shall be submitted to the director on the form provided and approved by the department, with the documents required by the application form.

(1) The applicant shall submit a license application on the prescribed form in accordance with IC 16-28-2-2. The applicant shall identify direct and indirect ownership interests of five percent (5%) or more and of officers, directors, and partners.

(2) The applicant shall submit the appropriate license fee.

(3) Prior to the start of construction, detailed architectural and operational plans shall be submitted to the division for consideration and approval. The plans shall state the licensure classification sought. Plans for projects involving less than thirty thousand (30,000) cubic feet require suitable detailed plans and sketches. Plans for projects involving more than thirty thousand (30,000) cubic feet require certification by an architect or an engineer registered in Indiana. A plan of operation, in sufficient detail to facilitate the review of functional areas, that is, nursing unit, laundry, and kitchen, shall accompany the submitted plan.

(4) The director shall be notified of the design release from the department of fire and building services.

(5) The director shall be provided with written notification that construction of the building is substantially complete.

(6) The applicant shall submit to the director the following:

- (A) Corporate or partnership structure.
- (B) A complete list of facilities previously and currently owned or operated by the officers, directors, agents, and managing employees.
- (C) A copy of agreements and contracts.
- (D) If registration is required by the secretary of state, a copy of the registration.
- (E) A staffing plan to include the number, educational level, and personal health of employees.
- (F) A disaster plan.

~~(7) The applicant shall submit information and supporting documents required by the director documenting that the facility will be operated in reasonable compliance with this article and applicable statutes. shall be furnished.~~

~~(8) The applicant shall submit a report by the state fire marshal that the facility is in reasonable compliance with the fire safety rules of the fire prevention and building safety commission (675 IAC). shall be furnished.~~

~~(9) If new construction or remodeling is involved, the applicant shall submit information verified by the appropriate building official that the building is in reasonable compliance with the building rules of the fire prevention and building safety commission (675 IAC). shall be furnished.~~

(6) A plan of operation shall be submitted to the director. The plan shall include, but is not limited to, the following:

- (A) Corporate or partnership structure.
- (B) Policies and procedures, including personnel, operations, and resident care.
- (C) A disaster plan.
- (D) A copy of agreements and contracts.

(7) The appropriate licensure fee shall be submitted.

(10) The facility shall meet the environmental and physical standards of section 19 of this rule.

(11) The applicant shall submit an independent verification of assets and liabilities demonstrating working capital adequate to operate the facility. The verification shall be performed by a certified public accountant. The verification shall be submitted to the director on a form approved by the department. The verification shall be accompanied by documents required by the application form and other documents or information as required by the department to evidence adequate working capital to operate the facility.

(e) (d) The director may approve occupancy and use of the structure pending a final licensure decision: issue a health facility license for an existing facility that proposes a change from a previously approved plan review upon receipt, review, and approval of the following requirements:

(1) The applicant shall submit the appropriate licensure fee.

(2) Prior to the start of construction, detailed architectural and operational plans shall be submitted to the division for consideration and approval. The plans shall state the licensure classification sought. Plans for projects involving less than thirty thousand (30,000) cubic feet require suitable detailed plans and sketches. Plans for projects involving more than thirty thousand (30,000) cubic feet require certification by an architect or an engineer registered in Indiana. A plan of operation, in sufficient detail to facilitate the review of functional areas, that is, nursing unit, laundry, and kitchen, shall accompany the submitted plan.

(3) The director shall be notified of the design release from the department of fire and building services.

(4) The director shall be provided with written notification that construction of the building is substantially complete.

(5) The applicant shall submit information and supporting documents required by the director that the facility will be operated in reasonable compliance with this article and applicable statutes.

(6) The applicant shall submit a report by the state fire marshal that the facility is in reasonable compliance with the fire safety rules of the fire prevention and building safety commission (675 IAC).

(7) Information verified by the appropriate building official that the building is in reasonable compliance with the building rules of the fire prevention and building safety commission (675 IAC).

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(e) The director may issue a health facility license for an existing facility that proposes a change in beds upon receipt, review, and approval of the following requirements:

- (1) The applicant shall submit the appropriate license fee.
- (2) The facility shall meet the environmental and physical standards of section 19 of this rule.
- (3) The applicant shall submit a report by the state fire marshal that the facility is in reasonable compliance with the fire safety rules of the fire prevention and building safety commission (675 IAC).

(f) The director may issue a health facility license for a facility that has changed ownership upon receipt, review, and approval of the following requirements:

- (1) The applicant shall submit a license application on the prescribed form in accordance with IC 16-28-2-2. The applicant shall identify direct and indirect ownership interests of five percent (5%) or more and of officers, directors, and partners.
- (2) The applicant shall submit the appropriate license fee.
- (3) The applicant shall submit information and supporting documents required by the director documenting that the facility will be operated in reasonable compliance with this article and applicable statutes.
- (4) The applicant shall submit to the director the following:
 - (A) Corporate or partnership structure.
 - (B) A complete list of facilities previously or currently owned or operated by the officers, directors, agents, and managing employees.
 - (C) A copy of agreements and contracts.
 - (D) If registration is required by the secretary of state, a copy of the registration.
 - (E) A staffing plan to include the number, educational level, and personal health of employees.
 - (F) A disaster plan.
- (5) An applicant for a license shall submit an independent verification of assets and liabilities demonstrating working capital adequate to operate the facility. The verification shall be performed by a certified public accountant. The verification shall be submitted to the director on a form approved by the department. The verification shall be accompanied by documents required by the application form and other documents or information as required by the department to evidence adequate working capital to operate the facility.

(g) The director may issue a provisional license to a new facility or to a facility under new ownership in accordance with IC 16-28-2-4(2).

(h) For the renewal of a license, the director may issue a full license for any period up to one (1) year, or issue a probationary license, or the director may refuse to issue a license as follows: **application upon receipt and review of the following requirements:**

- (1) The facility shall submit a renewal application to the director at least forty-five (45) days prior to the expiration of the license. The renewal application shall be on a form provided and approved by the division, ~~which includes identification of~~ **The applicant shall identify** direct or indirect ownership ~~interest interests~~ of five percent (5%) or more and of ~~corporate officers, or directors, and~~ partners.
- (2) ~~The licensure applicant shall submit the appropriate license fee. shall be included with the renewal application.~~
- (3) The director shall verify that the facility is operated in reasonable compliance with IC 16-28-2 and this article.
- (4) The state fire marshal shall verify that the facility is in reasonable compliance with the applicable fire safety statutes and rules (675 IAC).

(i) If the director issues a probationary license, the license may be granted for a period of three (3) months. However, no more than three (3) probationary licenses may be issued in a twelve (12) month period. Although the license fee for a full twelve (12) month period has been paid, a new fee shall be required prior to the issuance of a probationary license.

(j) If the director denies renewal, reduces, revokes, or issues a probationary license, then a hearing officer will be appointed to hold a hearing. However, a facility may waive its right to a hearing and accept the director recommendation.

(k) Any change in direct or indirect corporate ownership of five percent (5%) or more that occurs during the licensure period shall be reported to the director, in writing, at the time of the change. The facility must also provide written notice at the time the change occurs in the officers, directors, agents, or managing employees, or the corporation, association, or other company responsible for the management of the facility.

(l) For a good cause shown, waiver of any nonstatutory provisions of this rule may be granted by the executive board for a specified period in accordance with IC 16-28-1-10.

(m) A licensure survey finding or complaint allegation does not constitute a breach for the purposes of IC 16-28-2 until or unless the commissioner makes a specific determination that a breach has occurred. Moreover, the director shall issue a citation only upon a determination by the commissioner that a breach has occurred. Regardless of whether the commissioner makes a determination that a breach has occurred, a licensure survey finding or complaint allegation may be used as evidence as to whether a violation actually occurred for the purposes of licensure hearings or any other proceedings initiated under IC 16-28-2 or this article.

(n) The classification of rules into the categories that are stated at the end of each section of this rule and 410 IAC 16.2-5 through 410 IAC 16.2-7 shall be used to determine the correc-

tive actions and penalties, if appropriate, to be imposed by the commissioner upon a determination that a breach has occurred, as follows:

(1) An offense presents a substantial probability that death or a life-threatening condition will result. For an offense, the commissioner shall issue an order for immediate correction of the offense. In addition, the commissioner shall:

(A) impose a fine not to exceed ten thousand dollars (\$10,000); or

(B) order the suspension of new admissions to the health facility for a period not to exceed forty-five (45) days;

or both. If the offense is immediately corrected, the commissioner may waive up to fifty percent (50%) of any fine imposed and reduce the number of days for suspension of new admissions by one-half (½). The commissioner may also impose revocation by the director of the facility's license or issuance of a probationary license.

(2) A deficiency presents an immediate or direct, serious adverse effect on the health, safety, security, rights, or welfare of a resident. For a deficiency, the commissioner shall issue an order for immediate correction of the deficiency. In addition, the commissioner may:

(A) impose a fine not to exceed five thousand dollars (\$5,000); or

(B) order the suspension of new admissions to the health facility for a period not to exceed thirty (30) days;

or both. For a repeat of the same deficiency within a fifteen (15) month period, the commissioner shall order immediate correction of the deficiency and impose a fine not to exceed ten thousand dollars (\$10,000) or suspension of new admissions to the facility for a period not to exceed forty-five (45) days, or both. If the deficiency is immediately corrected, the commissioner may waive up to fifty percent (50%) of any fine imposed and reduce the number of days for suspension of new admissions by one-half (½). The commissioner may also impose revocations by the director of the facility license or issuance of a probationary license.

(3) A noncompliance presents an indirect threat on the health, safety, security, rights, or welfare of a resident. For a non-compliance, the commissioner shall require the health facility to comply with any plan of correction approved or directed under IC 16-28-5-7. If the facility is found to have a pattern of noncompliance, the commissioner may suspend new admissions to the health facility for a period not to exceed fifteen (15) days or impose a fine not to exceed one thousand dollars (\$1,000), or both. Additionally, if the health facility is found to have a repeat of the same noncompliance in any fifteen (15) month period, the commissioner shall issue an order for immediate correction of the noncompliance. The commissioner may impose a fine not to exceed five thousand dollars (\$5,000) or suspension of new admissions to the health facility for a period not to exceed thirty (30) days, or both.

(4) A nonconformance is any other classified rule that does not fall in the three (3) categories established in subdivisions

(1) through (3). For a nonconformance, the commissioner shall require the health facility to comply with any plan of correction approved or directed in accordance with IC 16-28-5-7. For a repeat of the same nonconformance within a fifteen (15) month period, the commissioner shall require the health facility to comply with any plan of correction approved or directed in accordance with IC 16-28-5-7. For a repeat pattern of nonconformance the commissioner may suspend new admissions to the health facility for a period not to exceed fifteen (15) days or impose a fine not to exceed one thousand dollars (\$1,000), or both.

~~(m)~~ **(n)** For Medicare ~~and~~ **or** Medicaid certified facilities, or both, the department shall not collect both a civil money penalty under 42 CFR 488 and a fine under IC 16-28 and this article. (*Indiana State Department of Health; 410 IAC 16.2-3.1-2; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1526, eff Apr 1, 1997; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2414; filed May 16, 2001, 2:09 p.m.: 24 IR 3022; readopted, filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Aug 19, 2004, 3:15 p.m.: 28 IR 182*)

SECTION 2. 410 IAC 16.2-5-1.1 IS AMENDED TO READ AS FOLLOWS:

410 IAC 16.2-5-1.1 Licenses

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-18-2-167; IC 16-28-1-10; IC 16-28-2-2; IC 16-28-2-4; IC 16-28-5-7

Sec. 1.1. (a) Any person, in order to lawfully operate a health facility as defined in IC 16-18-2-167, shall first obtain an authorization to occupy the facility or a license from the director. The applicant shall notify the director, in writing, before the applicant begins to operate a facility that is being purchased or leased from another licensee. Failure to notify the director precludes the issuance of a full license.

~~(b)~~ **(b)** An application shall be submitted on the prescribed form in accordance with IC 16-28-2-2. The application shall include identification of direct or indirect ownership interest of five percent (5%) or more and of corporate officers or partners:

~~(c)~~ **(c)** Any change in direct or indirect corporate ownership of five percent (5%) or more of the licensee, which occurs during the licensure period, shall be reported to the director, in writing, at the time of the change. The facility must also provide written notice at the time the change occurs in the corporation, association, or other company responsible for the management of the facility.

(b) The director may approve occupancy and use of the structure pending a final licensure decision.

~~(d)~~ **(c) The director may issue a health facility license for a new facility an existing facility that proposes a change in the number of beds; or a facility that has changed ownership is obtained as follows: upon receipt, review, and approval of the following requirements:**

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(1) Prior to the start of construction, detailed architectural and operational plans shall be submitted through the office of the state building commissioner to the division for consideration and approval. The plans shall state the licensure classification sought. Plans for projects involving less than thirty thousand (30,000) cubic feet require suitable detailed plans and sketches. Plans for projects involving more than thirty thousand (30,000) cubic feet require certification by an architect or an engineer registered in Indiana. A plan of operation, in sufficient detail to facilitate the review of functional areas, that is, nursing unit, laundry, and kitchen, shall accompany the submitted plan.

(2) Upon receipt of a design release from the state building commissioner and the state fire marshal, an application shall be submitted to the director on the form provided and approved by the department, with the documents required by the application form.

(1) The applicant shall submit a license application on the prescribed form in accordance with IC 16-28-2-2. The applicant shall identify direct and indirect ownership interests of five percent (5%) or more and of officers, directors, and partners.

(2) The applicant shall submit the appropriate license fee.

(3) Prior to the start of construction, detailed architectural and operational plans shall be submitted to the division for consideration and approval. The plans shall state the licensure classification sought. Plans for projects involving less than thirty thousand (30,000) cubic feet require suitable detailed plans and sketches. Plans for projects involving more than thirty thousand (30,000) cubic feet require certification by an architect or an engineer registered in Indiana. A plan of operation, in sufficient detail to facilitate the review of functional areas, that is, nursing unit, laundry, and kitchen, shall accompany the submitted plan.

(4) The director shall be notified of the design release from the department of fire and building services.

(5) The director shall be provided with written notification that construction of the building is substantially complete.

(6) The applicant shall submit to the director the following:

(A) Corporate or partnership structure.

(B) A complete list of facilities previously and currently owned or operated by the officers, directors, agents, and managing employees.

(C) A copy of agreements and contracts.

(D) If registration is required by the secretary of state, a copy of the registration.

(E) A staffing plan to include the number, educational level, and personal health of employees.

(F) A disaster plan.

(7) The applicant shall submit information and supporting documents required by the director documenting that the facility will be operated in reasonable compliance with

this article and applicable statutes. shall be furnished:

(8) The applicant shall submit a report by the state fire marshal that the facility is in reasonable compliance with the fire safety rules of the fire prevention and building safety commission (675 IAC). shall be furnished:

(9) If new construction or remodeling is involved, the applicant shall submit information verified by the appropriate building official that the building is in reasonable compliance with the building rules of the fire prevention and building safety commission (675 IAC). shall be furnished:

(10) A plan of operation shall be submitted to the director. The plan shall include, but is not limited to, the following:

(A) Corporate or partnership structure.

(B) Policies and procedures, including personnel, operations, and resident care.

(C) A disaster plan.

(D) A copy of agreements and contracts.

(11) The appropriate licensure fee shall be submitted.

(12) The facility shall meet the environmental and physical standards of section 1.6 of this rule.

(13) The applicant shall submit an independent verification of assets and liabilities demonstrating working capital adequate to operate the facility. The verification shall be performed by a certified public accountant. The verification shall be submitted to the director on a form approved by the department. The verification shall be accompanied by documents required by the application form and other documents or information as required by the department to evidence adequate working capital to operate the facility.

(d) The director may approve occupancy and use of the structure pending a final licensure decision. issue a health facility license for an existing facility that proposes a change from a previously approved plan review upon receipt, review, and approval of the following requirements:

(1) The applicant shall submit the appropriate licensure fee.

(2) Prior to the start of construction, detailed architectural and operational plans shall be submitted to the division for consideration and approval. The plans shall state the licensure classification sought. Plans for projects involving less than thirty thousand (30,000) cubic feet require suitable detailed plans and sketches. Plans for projects involving more than thirty thousand (30,000) cubic feet require certification by an architect or an engineer registered in Indiana. A plan of operation, in sufficient detail to facilitate the review of functional areas, that is, nursing unit, laundry, and kitchen, shall accompany the submitted plan.

(3) The director shall be notified of the design release from the department of fire and building services.

(4) The director shall be provided with written notification that construction of the building is substantially complete.

(5) The applicant shall submit information and supporting documents required by the director that the facility will be operated in reasonable compliance with this article and applicable statutes.

(6) The applicant shall submit a report by the state fire marshal that the facility is in reasonable compliance with the fire safety rules of the fire prevention and building safety commission (675 IAC).

(7) Information verified by the appropriate building official that the building is in reasonable compliance with the building rules of the fire prevention and building safety commission (675 IAC).

(e) The director may issue a health facility license for an existing facility that proposes a change in beds upon receipt, review, and approval of the following requirements:

- (1) The applicant shall submit the appropriate license fee.
- (2) The facility shall meet the environmental and physical standards of section 1.6 of this rule.
- (3) The applicant shall submit a report by the state fire marshal that the facility is in reasonable compliance with the fire safety rules of the fire prevention and building safety commission (675 IAC).

(f) The director may issue a health facility license for a facility that has changed ownership upon receipt, review, and approval of the following requirements:

- (1) The applicant shall submit a license application on the prescribed form in accordance with IC 16-28-2-2. The applicant shall identify direct and indirect ownership interests of five percent (5%) or more and of officers, directors, and partners.
- (2) The applicant shall submit the appropriate license fee.
- (3) The applicant shall submit information and supporting documents required by the director documenting that the facility will be operated in reasonable compliance with this article and applicable statutes.
- (4) The applicant shall submit to the director the following:
 - (A) Corporate or partnership structure.
 - (B) A complete list of facilities previously or currently owned or operated by the officers, directors, agents, and managing employees.
 - (C) A copy of agreements and contracts.
 - (D) If registration is required by the secretary of state, a copy of the registration.
 - (E) A staffing plan to include the number, educational level, and personal health of employees.
 - (F) A disaster plan.

(5) An applicant for a license shall submit an independent verification of assets and liabilities demonstrating working capital adequate to operate the facility. The verification shall be performed by a certified public accountant. The verification shall be submitted to the director on a form approved by the department. The verification shall

be accompanied by documents required by the application form and other documents or information as required by the department to evidence adequate working capital to operate the facility.

(g) The director may issue a provisional license to a new facility or to a facility under new ownership in accordance with IC 16-28-2-4(2).

(h) For the renewal of a license, the director may issue a full license for any period up to one (1) year, ~~or issue a probationary license, or the director may refuse to issue~~ **deny** a license as follows: **application upon receipt and review of the following requirements:**

- (1) The facility shall submit a renewal application to the director at least forty-five (45) days prior to the expiration of the license. The renewal application shall be on a form provided and approved by the division. ~~which includes identification of~~ **The applicant shall identify** direct or indirect ownership ~~interest interests~~ of five percent (5%) or more and of ~~corporate officers, or directors, and partners.~~
- (2) ~~The licensure applicant shall submit the appropriate license fee. shall be included with the renewal application.~~
- (3) The director shall verify that the facility is operated in reasonable compliance with IC 16-28-2 and this article.
- (4) The state fire marshal shall verify that the facility is in reasonable compliance with the applicable fire safety statutes and rules (675 IAC).

(i) If the director issues a probationary license, the license may be granted for a period of three (3) months. However, no more than three (3) probationary licenses may be issued in a twelve (12) month period. Although the license fee for a full twelve (12) month period has been paid, a new fee shall be required prior to the issuance of a probationary license.

(j) If the director ~~denies renewal or reduces, revokes, or issues a probationary license, then a hearing officer will be appointed to hold a hearing. However, a facility may waive its right to a hearing and accept the director recommendation.~~

(k) Any change in direct or indirect corporate ownership of five percent (5%) or more that occurs during the licensure period shall be reported to the director, in writing, at the time of the change. The facility must also provide written notice at the time the change occurs in the officers, directors, agents, or managing employees, or the corporation, association, or other company responsible for the management of the facility.

(l) For a good cause shown, waiver of any nonstatutory provisions of this rule may be granted by the executive board for a specified period in accordance with IC 16-28-1-10.

(m) A licensure survey finding or complaint allegation does not constitute a breach for the purposes of IC 16-28-2 until or

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unless the commissioner makes a specific determination that a breach has occurred. Moreover, the director shall issue a citation only upon a determination by the commissioner that a breach has occurred. Regardless of whether the commissioner makes a determination that a breach has occurred, a licensure survey finding or complaint allegation may be used as evidence as to whether a violation actually occurred for the purposes of licensure hearings or any other proceedings initiated under IC 16-28-2 or this article.

(†) (m) The classification of rules into the categories that are stated at the end of each section of this rule and 410 IAC 16.2-6 through 410 IAC 16.2-7 shall be used to determine the corrective actions and penalties, if appropriate, to be imposed by the commissioner upon a determination that a breach has occurred as follows:

(1) An offense presents a substantial probability that death or a life-threatening condition will result. For an offense, the commissioner shall issue an order for immediate correction of the offense. In addition, the commissioner shall:

(A) impose a fine not to exceed ten thousand dollars (\$10,000); or

(B) order the suspension of new admissions to the health facility for a period not to exceed forty-five (45) days; or both. If the offense is immediately corrected, the commissioner may waive up to fifty percent (50%) of any fine imposed and reduce the number of days for suspension of new admissions by one-half (½). The commissioner may also impose revocation by the director of the facility's license or issuance of a probationary license.

(2) A deficiency presents an immediate or direct, serious adverse effect on the health, safety, security, rights, or welfare of a resident. For a deficiency, the commissioner shall issue an order for immediate correction of the deficiency. In addition, the commissioner may:

(A) impose a fine not to exceed ~~ten~~ **five** thousand dollars (~~\$10,000~~); (**\$5,000**); or

(B) order the suspension of new admissions to the health facility for a period not to exceed thirty (30) days; or both. For a repeat of the same deficiency within a fifteen (15) month period, the commissioner shall order immediate correction of the deficiency, and impose a fine not to exceed ten thousand dollars (\$10,000), or suspension of new admissions to the facility for a period not to exceed forty-five (45) days, or both. If the deficiency is immediately corrected, the commissioner may waive up to fifty percent (50%) of any fine imposed and reduce the number of days for suspension of new admissions by one-half (½). The commissioner may also impose revocation by the director of the facility license or issuance of a probationary license.

(3) A noncompliance presents an indirect threat on the health, safety, security, rights, or welfare of a resident. For a non-compliance, the commissioner shall require the health facility to submit a plan of correction approved or directed under IC 16-28-5-7. If the facility is found to have a pattern of non-

compliance, the commissioner may suspend new admissions to the health facility for a period not to exceed ten (10) days or impose a fine not to exceed one thousand dollars (\$1,000), or both. Additionally, if the health facility is found to have a repeat of the same noncompliance in any eighteen (18) month period, the commissioner shall issue an order for immediate correction of the noncompliance. The commissioner may impose a fine not to exceed five thousand dollars (\$5,000) or suspension of new admissions to the health facility for a period not to exceed thirty (30) days, or both.

(4) A nonconformance is any other classified rule that does not fall in the three (3) categories established in subdivisions (1) through (3). For a nonconformance, the commissioner shall require the health facility to comply with any plan of correction approved or directed in accordance with IC 16-28-5-7. For a repeat of the same nonconformance within a fifteen (15) month period, the commissioner shall require the health facility to comply with any plan of correction approved or directed in accordance with IC 16-28-5-7. For a repeat pattern of nonconformance, the commissioner may suspend new admissions to the health facility for a period not to exceed fifteen (15) days or impose a fine not to exceed one thousand dollars (\$1,000), or both.

(Indiana State Department of Health; 410 IAC 16.2-5-1.1; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1560, eff Apr 1, 1997; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2415; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1912, eff Mar 1, 2003; filed Aug 19, 2004, 3:15 p.m.: 28 IR 185)

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TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #04-7(F)

DIGEST

Adds 410 IAC 16.2-1.1-19.3 to define dining assistant. Amends 410 IAC 16.2-3.1-14 to include dining assistant certificate or letter of completion. Adds 410 IAC 16.2-3.1-53 to establish the dining assistant program in comprehensive and residential facilities. Amends 410 IAC 16.2-5-1.4 to include dining assistant certificate or letter of completion. Adds 410

IAC 16.2-5-13 to establish the dining assistant program in comprehensive and residential facilities. Effective 30 days after filing with the secretary of state.

410 IAC 16.2-1.1-19.3 410 IAC 16.2-5-1.4
410 IAC 16.2-3.1-14 410 IAC 16.2-5-13
410 IAC 16.2-3.1-53

SECTION 1. 410 IAC 16.2-1.1-19.3 IS ADDED TO READ AS FOLLOWS:

410 IAC 16.2-1.1-19.3 “Dining assistant” defined

Authority: IC 16-28-1-7; IC 16-28-1-12
Affected: IC 16-28

Sec. 19.3. “Dining assistant” means an individual who is paid to feed residents by a facility or who is used under an arrangement with another agency or organization. (*Indiana State Department of Health; 410 IAC 16.2-1.1-19.3; filed Aug 11, 2004, 11:00 a.m.: 28 IR 189*)

SECTION 2. 410 IAC 16.2-3.1-14, AS AMENDED AT 27 IR 3993, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

410 IAC 16.2-3.1-14 Personnel

Authority: IC 16-28-1-7; IC 16-28-1-12
Affected: IC 16-28-5-1; IC 16-28-13-3

Sec. 14. (a) Each facility shall have specific procedures written and implemented for the screening of prospective employees. Specific inquiries shall be made for prospective employees. The facility shall have a personnel policy that considers references and any convictions in accordance with IC 16-28-13-3.

(b) A facility must not use any individual working in the facility as a nurse aide for more than four (4) months on a full-time, part-time, temporary, per diem, or other basis unless that individual:

- (1) is competent to provide nursing and nursing-related services; and
- (2) has completed a:
 - (A) training and competency evaluation program; ~~approved by the division~~ or a
 - (B) competency evaluation program; approved by the division.

(c) Each nurse aide who is hired to work in a facility shall have successfully completed a nurse aide training program approved by the division or shall enroll in the first available approved training program scheduled to commence within sixty (60) days of the date of the nurse aide’s employment. The program may be established by the facility, ~~or by~~ an organization, or an institution. The training program shall consist of at least the following:

- (1) Thirty (30) hours of classroom instruction within one

hundred twenty (120) days of employment. At least sixteen (16) of those hours shall be in the following areas prior to any direct contact with a resident:

- (A) Communication and interpersonal skills.
- (B) Infection control.
- (C) Safety/emergency procedures, including the Heimlich maneuver.
- (D) Promoting residents’ independence.
- (E) Respecting residents’ rights.

(2) The remainder of the thirty (30) hours of instruction shall include the following:

- (A) Basic nursing skills as follows:
 - (i) Taking and recording vital signs.
 - (ii) Measuring and recording height and weight.
 - (iii) Caring for residents’ environment.
 - (iv) Recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor.
 - (v) Caring for residents when death is imminent.

(B) Personal care skills, including, but not limited to, the following:

- (i) Bathing.
- (ii) Grooming, including mouth care.
- (iii) Dressing.
- (iv) Toileting.
- (v) Assisting with eating and hydration.
- (vi) Proper feeding techniques.
- (vii) Skin care.
- (viii) Transfers, positioning, and turning.

(C) Mental health and social service needs as follows:

- (i) Modifying aides’ behavior in response to residents’ behavior.
- (ii) Awareness of developmental tasks associated with the aging process.
- (iii) How to respond to residents’ behavior.
- (iv) Allowing the resident to make personal choices, providing and reinforcing other behavior consistent with the resident’s dignity.
- (v) Using the resident’s family as a source of emotional support.

(D) Care of cognitively impaired residents as follows:

- (i) Techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer’s and others).
- (ii) Communicating with cognitively impaired residents.
- (iii) Understanding the behavior of cognitively impaired residents.
- (iv) Appropriate responses to the behavior of cognitively impaired residents.
- (v) Methods of reducing the effects of cognitive impairments.

(E) Basic restorative services as follows:

- (i) Training the resident in self-care according to the resident’s abilities.
- (ii) Use of assistive devices in transferring, ambulation, eating, and dressing.

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- (iii) Maintenance of range of motion.
- (iv) Proper turning and positioning in bed and chair.
- (v) Bowel and bladder training.
- (vi) Care and use of prosthetic and orthotic devices.

(F) Residents' rights as follows:

- (i) Providing privacy and maintenance of confidentiality.
- (ii) Promoting residents' right to make personal choices to accommodate their needs.
- (iii) Giving assistance in resolving grievances and disputes.
- (iv) Providing needed assistance in getting to and participating in resident and family groups and other activities.
- (v) Maintaining care and security of residents' personal possessions.
- (vi) Promoting residents' right to be free from abuse, mistreatment, and neglect, and the need to report any instances of such treatment to appropriate facility staff.
- (vii) Avoiding the need for restraints in accordance with current professional standards.

(3) Seventy-five (75) hours of supervised clinical experience, at least sixteen (16) hours of which must be in directly supervised practical training. As used in this subdivision, "directly supervised practical training" means training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual under direct supervision of a registered nurse or a licensed practical nurse. These hours shall consist of normal employment as a nurse aide under the supervision of a licensed nurse.

(4) Training that ensures the following:

- (A) Students do not perform any services for which they have not trained and been found proficient by the instructor.
- (B) Students who are providing services to residents are under the general supervision of a licensed nurse.

(d) A facility must arrange for individuals used as nurse aides, as of the effective date of this rule, to participate in a competency evaluation program approved by the division and preparation necessary for the individual to complete the program.

(e) Before allowing an individual to serve as a nurse aide, a facility must receive registry verification that the individual has met competency evaluation requirements unless the individual:

- (1) is a full-time employee in a training and competency evaluation program approved by the division; or
- (2) can prove that he or she has recently successfully completed a training and competency evaluation program approved by the division and has not yet been included in the registry.

Facilities must follow up to ensure that such individual actually becomes registered.

(f) A facility must check with all state nurse aide registries it has reason to believe contain information on an individual before using that individual as a nurse aide.

(g) If, since an individual's most recent completion of a

training and competency evaluation program, there has been a continuous period of twenty-four (24) consecutive months during none of which the individual provided nursing or nursing-related services for monetary compensation, the individual must complete a new:

- (1) training and competency evaluation program; or a new
- (2) competency evaluation program.

(h) The facility must complete a performance review of every nurse aide at least once every twelve (12) months and must provide regular inservice education based on the outcome of these reviews. The inservice training must be as follows:

- (1) Sufficient to ensure the continuing competence of nurse aides but must be no less than twelve (12) hours per year.
- (2) Address areas of weakness as determined in nurse aides' performance reviews and may address the special needs of residents as determined by the facility staff.
- (3) For nurse aides providing services to individuals with cognitive impairments, also address the care of the cognitively impaired.

(i) The facility must ensure that nurse aides and qualified medication aides are able to demonstrate competency in skills and techniques necessary to care for residents' needs as identified through resident assessments and described in the care plan.

(j) Medication shall be administered by licensed nursing personnel or qualified medication aides. If medication aides handle or administer drugs or perform treatments requiring medications, the facility shall ensure that the persons have been properly qualified in medication administration by a state-approved course. Injectable medications shall be given only by licensed personnel.

(k) There shall be an organized ongoing inservice education and training program planned in advance for all personnel. This training shall include, but not be limited to, the following:

- (1) Residents' rights.
- (2) Prevention and control of infection.
- (3) Fire prevention.
- (4) Safety and accident prevention.
- (5) Needs of specialized populations served.
- (6) Care of cognitively impaired residents.

(l) The frequency and content of inservice education and training programs shall be in accordance with the skills and knowledge of the facility personnel as follows. For nursing personnel, this shall include at least twelve (12) hours of inservice per calendar year and six (6) hours of inservice per calendar year for nonnursing personnel.

(m) Inservice programs for items required under subsection (k) shall contain a means to assess learning by participants.

(n) The administrator may approve attendance at outside workshops and continuing education programs related to that

individual's responsibilities in the facility. Documented attendance at these workshops and programs meets the requirements for inservice training.

(o) Inservice records shall be maintained and shall indicate the following:

- (1) The time, date, and location.
- (2) **The** name of the instructor.
- (3) The title of the instructor.
- (4) The ~~name~~ **names** of the participants.
- (5) The program content of inservice.

The employee will acknowledge attendance by written signature.

(p) Initial orientation of all staff must be conducted and documented and shall include the following:

- (1) Instructions on the needs of the specialized population or populations served in the facility, for example:
 - (A) aged;
 - (B) developmentally disabled;
 - (C) mentally ill;
 - (D) children; or
 - (E) care of cognitively impaired;

residents.

- (2) A review of residents' rights and other pertinent portions of the facility's policy manual.
- (3) Instruction in first aid, emergency procedures, and fire and disaster preparedness, including evacuation procedures and universal precautions.
- (4) A detailed review of the appropriate job description, including a demonstration of equipment and procedures required of the specific position to which the employee will be assigned.
- (5) Review of ethical considerations and confidentiality in resident care and records.
- (6) For direct care staff, instruction in the particular needs of each resident to whom the employee will be providing care.

(q) Each facility shall maintain current and accurate personnel records for all employees. The personnel records for all employees shall include the following:

- (1) **The** name and address of **the** employee.
- (2) Social Security number.
- (3) Date of beginning employment.
- (4) Past employment, experience, and education if applicable.
- (5) Professional licensure, certification, or registration number **or dining assistant certificate or letter of completion** if applicable.
- (6) Position in the facility and job description.
- (7) Documentation of orientation to the facility and to the specific job skills.
- (8) Signed acknowledgement of orientation to residents' rights.
- (9) Performance evaluations in accordance with the facility's policy.
- (10) Date and reason for separation.

(r) The employee's personnel record shall be retained for at least three (3) years following termination or separation of the employee from employment.

(s) Professional staff must be licensed, certified, or registered in accordance with applicable state laws or rules.

(t) A physical examination shall be required for each employee of a facility within one (1) month prior to employment. The examination shall include a tuberculin skin test, using the Mantoux method (5 TU PPD), administered by persons having documentation of training from a department-approved course of instruction in intradermal tuberculin skin testing, reading, and recording unless a previously positive reaction can be documented. The result shall be recorded in millimeters of induration with the date given, date read, and by whom administered. The tuberculin skin test must be read prior to the employee starting work. The facility must assure the following:

- (1) At the time of employment, or within one (1) month prior to employment, and at least annually thereafter, employees and nonpaid personnel of facilities shall be screened for tuberculosis. For health care workers who have not had a documented negative tuberculin skin test result during the preceding twelve (12) months, the baseline tuberculin skin testing should employ the two-step method. If the first step is negative, a second test should be performed one (1) to three (3) weeks after the first step. The frequency of repeat testing will depend on the risk of infection with tuberculosis.
- (2) All employees who have a positive reaction to the skin test shall be required to have a chest x-ray and other physical and laboratory examinations in order to complete a diagnosis.
- (3) The facility shall maintain a health record of each employee that includes:
 - (A) a report of the preemployment physical examination; and
 - (B) reports of all employment-related health examinations.
- (4) An employee with symptoms or signs of active disease, (symptoms suggestive of active tuberculosis, including, but not limited to, cough, fever, night sweats, and weight loss) shall not be permitted to work until tuberculosis is ruled out.

(u) In addition to the required inservice hours in subsection (1), staff who have regular contact with residents shall have a minimum of six (6) hours of dementia-specific training within six (6) months of initial employment, or within thirty (30) days for personnel assigned to the Alzheimer's and dementia special care unit, and three (3) hours annually thereafter to meet the needs or preferences, or both, of cognitively impaired residents and to gain understanding of the current standards of care for residents with dementia.

(v) For purposes of IC 16-28-5-1, a breach of:

- (1) subsection (c), (e), (f), (g), (i), (j), or (s) is a deficiency;
- (2) subsection (a), (b), (d), (h), (k), (l), (m), (n), (o), (p), (t), or (u) is a noncompliance; and
- (3) subsection (q) or (r) is a nonconformance.

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(Indiana State Department of Health; 410 IAC 16.2-3.1-14; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1537, eff Apr 1, 1997; errata, 20 IR 1738; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2414; filed May 16, 2001, 2:09 p.m.: 24 IR 3024; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jul 22, 2004, 10:05 a.m.: 27 IR 3993; filed Aug 11, 2004, 11:00 a.m.: 28 IR 189)

SECTION 3. 410 IAC 16.2-3.1-53 IS ADDED TO READ AS FOLLOWS:

410 IAC 16.2-3.1-53 Dining assistants

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1; IC 16-28-13-3; IC 25-23-1-1

Sec. 53. (a) Each dining assistant shall successfully complete a sixteen (16) hour training program for dining assistants that has been approved by the department.

(b) A dining assistant training program must obtain approval from the department prior to providing instruction to individuals.

(c) The facility shall do the following:

(1) Ensure that resident selection for dining assistance is based on the charge nurse's assessment and the resident's most recent assessment and plan of care.

(2) Not allow the dining assistant to assist more than two (2) residents at any one (1) time.

(3) Ensure the dining assistant is oriented to the following:

(A) The resident's diet, likes, and dislikes.

(B) Feeding techniques appropriate to the individual resident.

(4) Document the use of a dining assistant on the resident's care plan and review at each care plan conference.

(5) Check the nurse aide registry prior to training an individual as a dining assistant.

(6) Use only individuals as dining assistants who have successfully completed a department-approved training program for dining assistants.

(d) The scope of practice for dining assistants is as follows:

(1) A dining assistant shall work under the supervision of a licensed nurse who is on the unit or floor where the dining assistance is furnished and is immediately available to provide assistance as needed.

(2) In an emergency, a dining assistant shall call the supervising nurse using the resident call system or any other method available.

(3) A dining assistant shall assist only residents who do not have complicated eating problems, which include, but are not limited to, the following:

(A) Difficulty swallowing.

(B) Recurrent lung aspirations.

(C) Tube or parenteral/IV feedings.

(e) The dining assistant training program shall consist of, but is not limited to, the following:

(1) Eight (8) hours of classroom instruction prior to any direct contact with a resident that includes the following:

(A) Feeding techniques.

(B) Regular and special diets.

(C) Reporting food and fluid intake.

(D) Assistance with feeding and hydration.

(E) Communication and interpersonal skills.

(F) Infection control.

(G) Safety/emergency procedures including the Heimlich maneuver.

(H) Promoting residents' independence.

(I) Abuse, neglect, and misappropriation of property.

(J) Nutrition and hydration.

(K) Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting these changes to the supervising nurse.

(L) Mental health and social service needs including how to respond to a resident's behavior.

(M) Residents' rights including the following:

(i) Privacy.

(ii) Confidentiality.

(iii) Promoting residents' right to make personal choices to accommodate their needs.

(iv) Maintaining care and security of residents' personal possessions.

(v) Dignity.

(2) Eight (8) hours of clinical instruction that consists of, but is not limited to, the following:

(A) Feeding techniques.

(B) Assistance with eating and hydration.

(f) The dining assistant training program and training facility, if applicable, must ensure that clinical instruction provides for the direct supervision of the dining assistant by a licensed nurse.

(g) Each training program shall have a qualified instructor responsible for program oversight who at a minimum:

(1) possesses a valid Indiana registered nurse license under IC 25-23-1-1;

(2) possesses two (2) years of licensed nursing experience, of which at least one (1) year of experience is in the provision of long term care services; and

(3) completed a department-approved training program.

(h) An approved program director of a department nurse aide training program constitutes a qualified instructor under subsection (g) and may conduct dining assistant training without additional training.

(i) Dining assistant training may only be provided by:

(1) a registered nurse;

(2) a licensed practical nurse;

- (3) a qualified dietician;
- (4) an occupational therapist; or
- (5) a speech-language pathologist.

Certified nurse aide and qualified medication aide personnel shall not participate in or provide any dining assistant training.

(j) In order to issue a certificate or letter of completion to the dining assistant, the dining assistant training program shall ensure that the dining assistant demonstrates competency in all areas of instruction using a checklist approved by the department.

(k) Each approved program shall maintain a student file that:

- (1) is retained for a minimum of three (3) years; and**
- (2) contains:**
 - (A) individualized documentation of the:**
 - (i) classroom training that includes dates of attendance and areas of instruction; and**
 - (ii) clinical instruction that includes dates of attendance and areas of instruction including procedures and activities completed during the clinical experience; and**
 - (B) a copy of the certificate or letter confirming successful completion of the dining assistant training program, which shall be signed and dated by the instructor and bear the name and address of the training program.**

(l) The department may revoke an approved dining assistant training program if evidence exists that the program has not been administered in accordance with this section.

- (m) For purposes of IC 16-28-5-1, a breach of:**
 - (1) subsection (a), (b), (c), (d), (e), (f), (g), or (j) is a deficiency;**
 - (2) subsection (h) or (i) is a noncompliance; and**
 - (3) subsection (k) is a nonconformance.**

(Indiana State Department of Health; 410 IAC 16.2-3.1-53; filed Aug 11, 2004, 11:00 a.m.: 28 IR 192)

SECTION 4. 410 IAC 16.2-5-1.4, AS AMENDED AT 27 IR 4003, SECTION 10, IS AMENDED TO READ AS FOLLOWS:

410 IAC 16.2-5-1.4 Personnel

Authority: IC 16-28-1-7; IC 16-28-1-12
Affected: IC 16-28-5-1; IC 16-28-13-3

Sec. 1.4. (a) Each facility shall have specific procedures written and implemented for the screening of prospective employees. Appropriate inquiries shall be made for prospective employees. The facility shall have a personnel policy that considers references and any convictions in accordance with IC 16-28-13-3.

- (b) Staff shall be sufficient in number, qualifications, and

training in accordance with applicable state laws and rules to meet the twenty-four (24) hour scheduled and unscheduled needs of the residents and services provided. The number, qualifications, and training of staff shall depend on skills required to provide for the specific needs of the residents. A minimum of one (1) awake staff person, with current CPR and first aid certificates, shall be on site at all times. If fifty (50) or more residents of the facility regularly receive residential nursing services or administration of medication, or both, at least one (1) nursing staff person shall be on site at all times. Residential facilities with over one hundred (100) residents regularly receiving residential nursing services or administration of medication, or both, shall have at least one (1) additional nursing staff person awake and on duty at all times for every additional fifty (50) residents. Personnel shall be assigned only those duties for which they are trained to perform. Employee duties shall conform with written job descriptions.

(c) Any unlicensed employee providing more than limited assistance with the activities of daily living must be either a certified nurse aide or a home health aide. Existing facilities that are not licensed on the date of adoption of this rule and that seek licensure within one (1) year of adoption of this rule have two (2) months in which to ensure that all employees in this category are either a certified nurse aide or a home health aide.

(d) Prior to working independently, each employee shall be given an orientation to the facility by the supervisor (or his or her designee) of the department in which the employee will work. Orientation of all employees shall include the following:

- (1) Instructions on the needs of the specialized populations:
 - (A) aged;
 - (B) developmentally disabled;
 - (C) mentally ill;
 - (D) dementia; or
 - (E) children;
 served in the facility.
- (2) A review of the facility's policy manual and applicable procedures, including:
 - (A) organization chart;
 - (B) personnel policies;
 - (C) appearance and grooming policies for employees; and
 - (D) residents' rights.
- (3) Instruction in first aid, emergency procedures, and fire and disaster preparedness, including evacuation procedures.
- (4) Review of ethical considerations and confidentiality in resident care and records.
- (5) For direct care staff, personal introduction to, and instruction in, the particular needs of each resident to whom the employee will be providing care.
- (6) Documentation of the orientation in the employee's personnel record by the person supervising the orientation.

(e) There shall be an organized inservice education and training program planned in advance for all personnel in all

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departments at least annually. Training shall include, but is not limited to, residents' rights, prevention and control of infection, fire prevention, safety, accident prevention, the needs of specialized populations served, medication administration, and nursing care, when appropriate, as follows:

(1) The frequency and content of inservice education and training programs shall be in accordance with the skills and knowledge of the facility personnel. For nursing personnel, this shall include at least eight (8) hours of inservice per calendar year and four (4) hours of inservice per calendar year for nonnursing personnel.

(2) In addition to the above required inservice hours, staff who have contact with residents shall have a minimum of six (6) hours of dementia-specific training within six (6) months and three (3) hours annually thereafter to meet the needs or preferences, or both, of cognitively impaired residents effectively and to gain understanding of the current standards of care for residents with dementia.

(3) Inservice records shall be maintained and shall indicate the following:

(A) **The** time, date, and location.

(B) **The** name of **the** instructor.

(C) **The** title of **the** instructor.

(D) ~~Name~~ **The names** of **the** participants.

(E) **The** program content of inservice.

The employee will acknowledge attendance by written signature.

(f) A health screen shall be required for each employee of a facility prior to resident contact. The screen shall include a tuberculin skin test, using the Mantoux method (5 TU, PPD), unless a previously positive reaction can be documented. The result shall be recorded in millimeters of induration with the date given, date read, and by whom administered. The facility must assure the following:

(1) At the time of employment, or within one (1) month prior to employment, and at least annually thereafter, employees and nonpaid personnel of facilities shall be screened for tuberculosis. The first tuberculin skin test must be read prior to the employee starting work. For health care workers who have not had a documented negative tuberculin skin test result during the preceding twelve (12) months, the baseline tuberculin skin testing should employ the two-step method. If the first step is negative, a second test should be performed one (1) to three (3) weeks after the first step. The frequency of repeat testing will depend on the risk of infection with tuberculosis.

(2) All employees who have a positive reaction to the skin test shall be required to have a chest x-ray and other physical and laboratory examinations in order to complete a diagnosis.

(3) The facility shall maintain a health record of each employee that includes reports of all employment-related health screenings.

(4) An employee with symptoms or signs of active disease, (symptoms suggestive of active tuberculosis, including, but

not limited to, cough, fever, night sweats, and weight loss) shall not be permitted to work until tuberculosis is ruled out.

(g) The facility must prohibit employees with communicable disease or infected skin lesions from direct contact with residents or their food if direct contact will transmit the disease. An employee with signs and symptoms of communicable disease, including, but not limited to, an infected or draining skin lesion, shall be handled according to a facility's policy regarding direct contact with residents, their food, or resident care items until the condition is resolved. Persons with suspected or proven active tuberculosis will not be permitted to work until determined to be noninfectious and documentation is provided for the employee record.

(h) The facility shall maintain current and accurate personnel records for all employees. The personnel records for all employees shall include the following:

(1) **The** name and address of **the** employee.

(2) Social Security number.

(3) Date of beginning employment.

(4) Past employment, experience, and education, if applicable.

(5) Professional licensure or registration number **or dining assistant certificate or letter of completion**, if applicable.

(6) Position in the facility and job description.

(7) Documentation of orientation to the facility, including residents' rights, and to the specific job skills.

(8) Signed ~~acknowledgment~~ **acknowledgment** of orientation to residents' rights.

(9) Performance evaluations in accordance with facility policy.

(10) Date and reason for separation.

(i) The employee personnel record shall be retained for at least three (3) years following termination or separation of the employee from employment.

(j) For purposes of IC 16-28-5-1, a breach of:

(1) subsection (b), (c), or (g) is a deficiency;

(2) subsection (a), (d), (e), or (f) is a noncompliance; and

(3) subsection (h) or (i) is a nonconformance.

(Indiana State Department of Health; 410 IAC 16.2-5-1.4; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1567, eff Apr 1, 1997; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2415; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1921, eff Mar 1, 2003; filed Jul 22, 2004, 10:05 a.m.: 27 IR 4003; filed Aug 11, 2004, 11:00 a.m.: 28 IR 193)

SECTION 5. 410 IAC 16.2-5-13 IS ADDED TO READ AS FOLLOWS:

410 IAC 16.2-5-13 Dining assistants

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1; IC 16-28-13-3; IC 25-23-1-1

Sec. 13. (a) Each dining assistant shall successfully

complete a sixteen (16) hour training program for dining assistants that has been approved by the department.

(b) A dining assistant training program must obtain approval from the department prior to providing instruction to individuals.

(c) The facility shall do the following:

(1) Ensure that resident selection for dining assistance is based on the charge nurse's assessment and the resident's most recent assessment and plan of care.

(2) Not allow the dining assistant to assist more than two (2) residents at any one (1) time.

(3) Ensure the dining assistant is oriented to the following:

(A) The resident's diet, likes, and dislikes.

(B) Feeding techniques appropriate to the individual resident.

(4) Document the use of a dining assistant on the resident's care plan and review at each care plan conference.

(5) Check the nurse aide registry prior to training an individual as a dining assistant.

(6) Use only individuals as dining assistants who have successfully completed a department-approved training program for dining assistants.

(d) The scope of practice for dining assistants is as follows:

(1) A dining assistant shall work under the supervision of a licensed nurse who is on the unit or floor where the dining assistance is furnished and is immediately available to provide assistance as needed.

(2) In an emergency, a dining assistant shall call the supervising nurse using the resident call system or any other method available.

(3) A dining assistant shall assist only residents who do not have complicated eating problems, which include, but are not limited to, the following:

(A) Difficulty swallowing.

(B) Recurrent lung aspirations.

(C) Tube or parenteral/IV feedings.

(e) The dining assistant training program shall consist of, but is not limited to, the following:

(1) Eight (8) hours of classroom instruction prior to any direct contact with a resident that includes the following:

(A) Feeding techniques.

(B) Regular and special diets.

(C) Reporting food and fluid intake.

(D) Assistance with feeding and hydration.

(E) Communication and interpersonal skills.

(F) Infection control.

(G) Safety/emergency procedures including the Heimlich maneuver.

(H) Promoting residents' independence.

(I) Abuse, neglect, and misappropriation of property.

(J) Nutrition and hydration.

(K) Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting these changes to the supervising nurse.

(L) Mental health and social service needs including how to respond to a resident's behavior.

(M) Residents' rights including the following:

(i) Privacy.

(ii) Confidentiality.

(iii) Promoting residents' right to make personal choices to accommodate their needs.

(iv) Maintaining care and security of residents' personal possessions.

(v) Dignity.

(2) Eight (8) hours of clinical instruction that consists of, but is not limited to, the following:

(A) Feeding techniques.

(B) Assistance with eating and hydration.

(f) The dining assistant training program and training facility, if applicable, must ensure that clinical instruction provides for the direct supervision of the dining assistant by a licensed nurse.

(g) Each training program shall have a qualified instructor responsible for program oversight who at a minimum:

(1) possesses a valid Indiana registered nurse license under IC 25-23-1-1;

(2) possesses two (2) years of licensed nursing experience, of which at least one (1) year of experience is in the provision of long term care services; and

(3) completed a department-approved training program.

(h) An approved program director of a department nurse aide training program constitutes a qualified instructor under subsection (g) and may conduct dining assistant training without additional training.

(i) Dining assistant training may only be provided by:

(1) a registered nurse;

(2) a licensed practical nurse;

(3) a qualified dietician;

(4) an occupational therapist; or

(5) a speech-language pathologist.

Certified nurse aide and qualified medication aide personnel shall not participate in or provide any dining assistant training.

(j) In order to issue a certificate or letter of completion to the dining assistant, the dining assistant training program shall ensure that the dining assistant demonstrates competency in all areas of instruction using a checklist approved by the department.

(k) Each approved program shall maintain a student file that:

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- (1) is retained for a minimum of three (3) years; and
(2) contains:

- (A) individualized documentation of the:
- (i) classroom training that includes dates of attendance and areas of instruction; and
 - (ii) clinical instruction that includes dates of attendance and areas of instruction including procedures and activities completed during the clinical experience; and
- (B) a copy of the certificate or letter confirming successful completion of the dining assistant training program, which shall be signed and dated by the instructor and bear the name and address of the training program.

(l) The department may revoke an approved dining assistant training program if evidence exists that the program has not been administered in accordance with this section.

- (m) For purposes of IC 16-28-5-1, a breach of:
- (1) subsection (a), (b), (c), (d), (e), (f), (g), or (j) is a deficiency;
 - (2) subsection (h) or (i) is a noncompliance; and
 - (3) subsection (k) is a nonconformance.

(Indiana State Department of Health; 410 IAC 16.2-5-13; filed Aug 11, 2004, 11:00 a.m.: 28 IR 194)

LSA Document #04-7(F)

Notice of Intent Published: February 1, 2004; 27 IR 1616

Proposed Rule Published: May 1, 2004; 27 IR 2542

Hearing Held: May 24, 2004

Approved by Attorney General: August 4, 2004

Approved by Governor: August 10, 2004

Filed with Secretary of State: August 11, 2004, 11:00 a.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #03-232(F)

DIGEST

Adds 470 IAC 3-4.8 for the emergency or temporary closure of child care centers and child care homes and establishes a list of violations as required by IC 12-17.2-4-18.7 and IC 12-17.2-5-18.7 that would impose an immediate threat to the life and well-being of a child in the care of a child care licensee and procedures that will be used to invoke an emergency or temporary closure of a child care center or child care home. Effective 30 days after filing with the secretary of state.

470 IAC 3-4.8

SECTION 1. 470 IAC 3-4.8 IS ADDED TO READ AS FOLLOWS:

Rule 4.8. Emergency or Temporary Closure of Child Care Centers and Child Care Homes

470 IAC 3-4.8-1 List of conditions

Authority: IC 12-13-5-3; IC 12-17.2-4-18.7; IC 12-17.2-5-18.7

Affected: IC 4-21.5-4; IC 12-17.2-4; IC 12-17.2-5

Sec. 1. (a) The following are the list of conditions that pose immediate threat to the life or well-being of a child in the care of a child care provider that may subject a child care center or child care home to emergency or temporary closure order:

- (1) Building damage due to:
 - (A) earthquake;
 - (B) flooding or water damage;
 - (C) tornado;
 - (D) severe wind;
 - (E) ice storm;
 - (F) fire;
 - (G) lead contamination; or
 - (H) asbestos.
- (2) Sewage problems as follows:
 - (A) Sewage backup.
 - (B) Toilets cannot be flushed or are overflowing.
 - (C) Sewage system is not operating properly.
- (3) Inadequate or unsafe water supply as follows:
 - (A) Contaminated water supply.
 - (B) Water supply not functioning.
- (4) No electricity in the building.
- (5) Heating system problems.
- (6) Gas, carbon monoxide, or other noxious gases leak.
- (7) Filthy conditions.
- (8) Rodent, roach, or vermin infestation.
- (9) Building renovation occurring in a room or area occupied by children.
- (10) Lack of supervision, which results in the death or serious injury of a child.

(b) If an employee or agent of the division determines that a violation in subsection (a) exists, the division shall:

- (1) issue an emergency or another temporary order under IC 4-21.5-4 requiring the licensee to immediately cease operations of the child care center or home; and
- (2) contact the parent or guardian of each child enrolled in the child care center or child care home to inform the parent or guardian:
 - (A) that the division has issued an order to require the licensee to cease operations of the child care center or child care home; and
 - (B) the reason for the order to cease operation.

(Division of Family and Children; 470 IAC 3-4.8-1; filed Aug 11, 2004, 11:05 a.m.: 28 IR 196)

470 IAC 3-4.8-2 Administrative hearing

Authority: IC 12-13-5-3; IC 12-17.2-4-18.7; IC 12-17.2-5-18.7
Affected: IC 12-17.2-4-20; IC 12-17.2-5

Sec. 2. If the division issues an order to cease operation, an administrative hearing concerning the decision shall be held under IC 12-17.2-4-20. (Division of Family and Children; 470 IAC 3-4.8-2; filed Aug 11, 2004, 11:05 a.m.: 28 IR 197)

LSA Document #03-232(F)

Notice of Intent Published: September 1, 2003; 26 IR 3907

Proposed Rule Published: February 1, 2004; 27 IR 1626

Hearing Held: February 26, 2004, March 2, 2004, and March 4, 2004

Approved by Attorney General: August 4, 2004

Approved by Governor: August 10, 2004

Filed with Secretary of State: August 11, 2004, 11:05 a.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 514 INDIANA SCHOOL FOR THE DEAF BOARD

LSA Document #03-298(F)

DIGEST

Adds 514 IAC to establish criteria for admission of children with hearing disabilities, including children with multiple disabilities, at the Indiana School for the Deaf. Effective 30 days after filing with the secretary of state.

514 IAC

SECTION 1. 514 IAC IS ADDED TO READ AS FOLLOWS:

TITLE 514 INDIANA SCHOOL FOR THE DEAF BOARD

ARTICLE 1. SCHOOL ADMINISTRATION

Rule 1. Admission Criteria

514 IAC 1-1-1 Eligibility for admission

Authority: IC 20-16-3-10

Affected: IC 20-16-3-10

Sec. 1. All students seeking admission to the Indiana School for the Deaf must be determined by the case conference committee as being eligible for special education and related services as:

(1) a student with a hearing impairment in accordance with 511 IAC 7-26-7 and 511 IAC 7-27-4(c)(5); or

(2) a student with multiple disabilities in accordance with

511 IAC 7-26-10 when one (1) of the contributing disabilities is a hearing impairment.

(Indiana School for the Deaf Board; 514 IAC 1-1-1; filed Aug 12, 2004, 10:00 a.m.: 28 IR 197)

514 IAC 1-1-2 Placement

Authority: IC 20-16-3-10

Affected: IC 20-16-3-10

Sec. 2. A student who meets the admission criteria established in 514 IAC 1-1-1 [section 1 of this rule] will be accepted as a student at the Indiana School for the Deaf upon the case conference committee's determination, in accordance with 511 IAC 7-17-10 and 511 IAC 7-27-6(a)(10), that placement at the Indiana School for the Deaf is the least restrictive environment for the student. (Indiana School for the Deaf Board; 514 IAC 1-1-2; filed Aug 12, 2004, 10:00 a.m.: 28 IR 197)

LSA Document #03-298(F)

Notice of Intent Published: December 1, 2003; 27 IR 906

Proposed Rule Published: February 1, 2004; 27 IR 1634

Hearing Held: March 10, 2004

Approved by Attorney General: August 4, 2004

Approved by Governor: August 11, 2004

Filed with Secretary of State: August 12, 2004, 10:00 a.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 808 STATE BOXING COMMISSION

LSA Document #03-226(F)

DIGEST

Amends 808 IAC 1-3-6 to establish a time for the promoter to provide the commission an acceptable form of security for a match or exhibition. Amends 808 IAC 1-5-1 to address the seats provided by the promoter for the commission and for the judges. Amends 808 IAC 1-5-2 to require an applicant for a promoter's license to execute and file with the commission a bond. Amends 808 IAC 2-1-5 concerning athletic costumes and practice equipment. Amends 808 IAC 2-1-12 to establish the general requirements for female boxers. Amends 808 IAC 2-7-14 to revise the requirements for the discontinuation of a fight following an accidental butt. Amends 808 IAC 2-9-5 to change no decision matches to exhibitions. Amends 808 IAC 2-18-1 to allow the commission to determine the weigh-in time for contestants in main events and exhibitions. Amends 808 IAC 2-22-1 to revise the weight of gloves worn by each contestant for match or exhibition. Repeals 808 IAC 2-8-7. Effective 30 days after filing with the secretary of state.

Final Rules

808 IAC 1-3-6
808 IAC 1-5-1
808 IAC 1-5-2
808 IAC 2-1-5
808 IAC 2-1-12

808 IAC 2-7-14
808 IAC 2-8-7
808 IAC 2-9-5
808 IAC 2-18-1
808 IAC 2-22-1

SECTION 1. 808 IAC 1-3-6 IS AMENDED TO READ AS FOLLOWS:

808 IAC 1-3-6 Security for the purse; forms

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 6. (a) It shall be a condition of any permit issued to a licensed promoter to conduct a match or exhibition that the promoter must, prior to the beginning of the match or exhibition, provide to the **state boxing** commission or its representative an acceptable form of security in an amount not less than the total purse to be paid to each contestant by the terms of the promoter's contract. This may take the form of a certified cashier's check or money order, payable jointly to the **state boxing** commission and to the contestant, or cash. **All methods of payment must be submitted to the state boxing commission not later than two (2) hours before the match or exhibition unless other arrangements have been made and approved by the state boxing commission or its representative.**

(b) There shall be an acceptable form of security for each contestant in a match or exhibition, and no permit to conduct the match shall be valid in the absence of a promoter providing an acceptable form of security meeting the requirements of this rule. The receipt of such security shall be noted on the permit document by the **state boxing** commission or its representative. (*State Boxing Commission; 808 IAC 1-3-6; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1160; readopted filed Jun 8, 2001, 2:38 p.m.: 24 IR 3236; filed Sep 1, 2004, 2:45 p.m.: 28 IR 198*)

SECTION 2. 808 IAC 1-5-1 IS AMENDED TO READ AS FOLLOWS:

808 IAC 1-5-1 Seats for state boxing commission, judges, timekeepers, and other officials

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 1. **Seating in the area next to the ring apron on all four (4) sides of the ring is under the state boxing commission's jurisdiction. The state boxing commission may request a diagram or plan showing the seating arrangement prior to the contest or exhibition.** At each contest or exhibition, the promoter shall provide ~~near the ring, six (6) seats, each marked "Commission"~~; the following: ~~shall also be provided:~~
(1) **Six (6) seats marked "Commission"**.
(+) (2) Three (3) seats for the judges, who shall be stationed on three (3) sides of the ring, adjacent thereto.

(-) (3) Two (2) seats for the official timekeepers near the gong.
(+) (4) Two (2) seats for physicians, **which allow for an unobstructed view of the ring at all times.**
(+) (5) One (1) seat for an announcer.
(-) (6) One (1) seat for each alternate referee.

(*State Boxing Commission; PT I, Sec 19; filed Aug 8, 1955, 1:00 p.m.: Rules and Regs. 1956, p. 61; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1161; readopted filed Jun 8, 2001, 2:38 p.m.: 24 IR 3236; filed Sep 1, 2004, 2:45 p.m.: 28 IR 198*)

SECTION 3. 808 IAC 1-5-2 IS AMENDED TO READ AS FOLLOWS:

808 IAC 1-5-2 Bond of promoter license applicant

Authority: IC 25-9-1-2
Affected: IC 25-9-1-22

Sec. 2. Before any license shall be granted to any person or corporation to conduct, hold, or give any boxing or sparring match or exhibition, such applicant therefor shall execute and file with the **state treasurer boxing commission** a **bond or other instrument** as provided by law. (*State Boxing Commission; PT I, Sec 20; filed Aug 8, 1955, 1:00 p.m.: Rules and Regs. 1956, p. 61; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1161; readopted filed Jun 8, 2001, 2:38 p.m.: 24 IR 3236; filed Sep 1, 2004, 2:45 p.m.: 28 IR 198*)

SECTION 4. 808 IAC 2-1-5 IS AMENDED TO READ AS FOLLOWS:

808 IAC 2-1-5 Athletic costumes and protective equipment

Authority: IC 25-9-1-2
Affected: IC 25-9-1-16; IC 25-9-1-17

Sec. 5. Contestants must wear proper athletic costumes approved by the **state boxing** commission, including the following:

- (1) Boxing trunks of contrasting color.
- (2) **Groin** protection. ~~cups~~.
- (3) Shoes of soft material and shall not be fitted with spikes, cleats, hard soles, or hard heels.
- (4) Bandages and taping, as required in 808 IAC 2-26-1.
- (5) Gloves, as required in 808 IAC 2-22-1.
- (6) **A properly fitted mouthpiece.**
- (7) **A minimum use of cosmetics.**
- (8) **Female contestants must wear a breast protector.**
- (9) **Hair, including facial hair, must be trimmed or secured in a manner so as not to interfere with the vision or safety of the contestants.**
- (10) **No jewelry may be worn by the contestants.**

(*State Boxing Commission; PT II, Sec 44; filed Aug 8, 1955, 1:00 p.m.: Rules and Regs. 1956, p. 65; filed Dec 28, 1979, 10:40 a.m.: 3 IR 206; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1163; readopted filed Jun 8, 2001, 2:38 p.m.: 24 IR 3236; filed Sep 1, 2004, 2:45 p.m.: 28 IR 198*)

SECTION 5. 808 IAC 2-1-12 IS AMENDED TO READ AS FOLLOWS:

808 IAC 2-1-12 Female boxers

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 12. (a) A negative pregnancy test must be obtained the day prior to or the day of the fight. Results shall be submitted to the state boxing commission prior to the weigh-in. **The state boxing commission will not permit a female contestant to compete if she:**

- (1) is determined to be pregnant; or
- (2) fails to submit pregnancy test results.

(b) A prefight examination of a female contestant should include abdominal, breast, and pelvic examinations.

~~(b)~~ (c) Mammography may be requested by the examining physician.

~~(c)~~ (d) The examining physician may request a buccal smear after the physical examination if there is any doubt regarding the contestant's sex.

~~(d)~~ A pelvic exam will be required.

~~(e)~~ Contestants must wear adequate breast protection. (*State Boxing Commission; 808 IAC 2-1-12; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1164; readopted filed Jun 8, 2001, 2:38 p.m.: 24 IR 3236; filed Sep 1, 2004, 2:45 p.m.: 28 IR 199*)

SECTION 6. 808 IAC 2-7-14 IS AMENDED TO READ AS FOLLOWS:

808 IAC 2-7-14 Discontinuation of fight; declaration of winner

Authority: IC 25-9-1-2
Affected: IC 25-9-1-8

Sec. 14. If the referee sees or, if after consultation with the judges, determines that a boxer is accidentally butted in a match so that the boxer cannot continue, the referee shall immediately, following the accidental butt, do the following:

- (1) Call the match a technical draw if the injured boxer is behind on points.
- (2) Declare the injured boxer the winner on a technical decision if the boxer has a lead in points.
- (1) A majority vote as disclosed by the scorecards shall prevail in determining the decision if ~~all three~~ ~~(3)~~ **scorecards differ; the contest accidental butt occurs after the completion of four (4) rounds. Partial rounds shall be declared a technical draw. scored by the judges.**
- ~~(3)~~ Call (2) The match shall be declared a technical draw **no decision** if an accidental butt occurs during the first four (4) rounds of any contest.
- (4) If both boxers are injured as a result of an accidental butt

so that neither is able to continue, then a winner will be declared on the basis of the majority vote as disclosed by the judges' scorecards.

(*State Boxing Commission; 808 IAC 2-7-14; filed May 24, 1982, 10:25 a.m.: 5 IR 1406; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1167; filed Feb 1, 1999, 10:49 a.m.: 22 IR 2003; readopted filed Jun 8, 2001, 2:38 p.m.: 24 IR 3236; filed Sep 1, 2004, 2:45 p.m.: 28 IR 199*)

SECTION 7. 808 IAC 2-9-5 IS AMENDED TO READ AS FOLLOWS:

808 IAC 2-9-5 Exhibitions

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 5. (a) **In exhibition matches, each participant must wear gloves at least sixteen (16) ounces in weight and head gear approved by the state boxing commission.**

~~(a)~~ (b) Both participants must sign contracts stipulating that the match will be **an exhibition, and a no decision match shall be rendered.**

~~(b)~~ (c) In the event of a knockout, the announcer will present the results, and the fight will be listed in the record as a ~~no decision~~ **an exhibition** match ending in the round that the match was terminated. Medical suspension for the boxer suffering the knockout will be levied by the **state boxing commission** just as a regular match. (*State Boxing Commission; 808 IAC 2-9-5; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1169; readopted filed Jun 8, 2001, 2:38 p.m.: 24 IR 3236; filed Sep 1, 2004, 2:45 p.m.: 28 IR 199*)

SECTION 8. 808 IAC 2-18-1 IS AMENDED TO READ AS FOLLOWS:

808 IAC 2-18-1 Weighing-in; attendance

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 1. The contestants in main events and exhibitions shall weigh in stripped prior to the match in the presence of a representative of the **state boxing commission at a time designated by the state boxing commission.** (*State Boxing Commission; PT II, Sec 99; filed Aug 8, 1955, 1:00 p.m.: Rules and Regs. 1956, p. 76; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1173; readopted filed Jun 8, 2001, 2:38 p.m.: 24 IR 3236; filed Sep 1, 2004, 2:45 p.m.: 28 IR 199*)

SECTION 9. 808 IAC 2-22-1 IS AMENDED TO READ AS FOLLOWS:

808 IAC 2-22-1 Gloves; mouthpiece; inspection; specifications

Authority: IC 25-9-1-2
Affected: IC 25-9-1-5; IC 25-9-1-18

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Sec. 1. (a) Gloves shall be examined by the inspector or deputy commissioner before each contest. If padding is found to be misplaced, lumpy, or imperfect, new gloves shall be provided before the contest starts. No breaking, roughing, or twisting of gloves shall be permitted. Gloves for all events shall be furnished by the promoter. All contestants shall wear gloves of standard make weighing not less than eight (8) ounces **for those contestants that weigh one hundred forty-seven (147) pounds or less and at least ten (10) ounces for those contestants that weigh over one hundred forty-seven (147) pounds, unless approved by the state boxing commission,** and the gloves worn by each of the contestants shall be equal in weight.

(b) Each participant shall wear an individually fitted mouthpiece. The mouthpiece shall be in the participant's mouth at all times during the fight period of each round as provided in this section. The referee shall handle the ejection of the mouthpiece from the participant's mouth in the following manner:

(1) If the referee believes that the mouthpiece was ejected from the participant's mouth as a result of a natural fight action, the referee shall not charge the participant with the loss of a point. The referee shall wait until the flurry during which the mouthpiece was ejected has subsided. The referee shall then **do the following:**

(A) Take time out.

(B) Direct the participant whose mouthpiece remains in place to retire to a neutral corner. ~~and~~

(C) Take the other participant to the participant's corner. ~~The referee shall~~

(D) Direct that the mouthpiece be rinsed and replaced in the participant's mouth. ~~The referee shall~~

(E) Direct that the fight period immediately continue.

(2) If the referee believes that the participant spit out or allowed the mouthpiece to fall out of the participant's mouth, the referee shall do the following:

(A) Upon the first occurrence, wait until the flurry during which the mouthpiece was ejected has subsided. The referee shall then **do the following:**

(i) Take time out.

(ii) Direct the participant whose mouthpiece remains in place to retire to a neutral corner. ~~and~~

(iii) Take the other participant to the participant's corner. ~~The referee shall~~

(iv) Direct that the mouthpiece be rinsed and replaced in the participant's mouth. ~~and~~

(v) Warn the participant that a point will be deducted if the participant subsequently spits out or allows the mouthpiece to fall out of the participant's mouth. ~~The referee shall~~

(vi) Direct that the fight period immediately continue.

(B) Upon the second occurrence, wait until the flurry during which the mouthpiece was ejected has subsided. The referee shall then **do the following:**

(i) Take time out.

(ii) Direct the participant whose mouthpiece remains in place to retire to a neutral corner. ~~and~~

(iii) Take the other participant to the participant's corner. ~~The referee shall~~

(iv) Direct that the mouthpiece be rinsed and replaced in the participant's mouth. ~~and~~

(v) Warn the participant that the participant will be disqualified if the participant subsequently spits out or allows the mouthpiece to fall out of the participant's mouth. ~~The referee shall~~

(vi) Direct each judge to deduct a point from the participant's score. The referee shall direct that the fight period immediately continue.

(C) Upon the third occurrence, disqualify the participant who spit out or allowed the mouthpiece to fall out of the participant's mouth. The opponent of such participant shall be declared the winner due to disqualification. The **state boxing commission** representative shall immediately advise the promoter that the purse of such participant shall be forfeited and paid over to the **state boxing commission**.

(State Boxing Commission; PT II, Sec 103; filed Aug 8, 1955, 1:00 p.m.: Rules and Regs. 1956, p. 76; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1174; readopted filed Jun 8, 2001, 2:38 p.m.: 24 IR 3236; filed Sep 1, 2004, 2:45 p.m.: 28 IR 199)

SECTION 10. 808 IAC 2-8-7 IS REPEALED.

LSA Document #03-226(F)

Notice of Intent Published: September 1, 2003; 26 IR 3908

Proposed Rule Published: May 1, 2004; 27 IR 2563

Hearing Held: May 28, 2004

Approved by Attorney General: August 17, 2004

Approved by Governor: August 31, 2004

Filed with Secretary of State: September 1, 2004, 2:45 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 808 STATE BOXING COMMISSION

LSA Document #03-227(F)

DIGEST

Adds 808 IAC 2-12-0.5, 808 IAC 2-12-2, 808 IAC 2-12-3, 808 IAC 2-12-4, 808 IAC 2-12-5, 808 IAC 2-12-6, 808 IAC 2-12-7, and 808 IAC 2-12-8 to establish the requirements and procedures for prohibited drug testing of licensed contestants. Effective 30 days after filing with the secretary of state.

808 IAC 2-12-0.5

808 IAC 2-12-5

808 IAC 2-12-2

808 IAC 2-12-6

808 IAC 2-12-3

808 IAC 2-12-7

808 IAC 2-12-4

SECTION 1. 808 IAC 2-12-0.5 IS ADDED TO READ AS FOLLOWS:

Rule 12. Physician; Testing for the Use of Prohibited Drugs

808 IAC 2-12-0.5 Definitions

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 0.5. The following definitions apply throughout this rule unless the context clearly indicates otherwise:

- (1) “Confirmed positive test result” means a result of a test, conducted in accordance with the procedures in this rule, indicating the presence of a prohibited drug.
- (2) “Drug” means a substance that is one (1) of the following:
 - (A) Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official national formulary, or a supplement to one (1) or more of them.
 - (B) Intended for use in the:
 - (i) diagnosis;
 - (ii) cure;
 - (iii) mitigation;
 - (iv) treatment; or
 - (v) prevention;
 of disease in humans or other animals.
 - (C) Intended to affect the structure or a function of the body of a human or other animal, not including food.
 - (D) Intended for use as a component of another substance described in clause (A), (B), or (C).
- (3) “Laboratory” means a laboratory to conduct drug testing.
- (4) “Prohibited drugs” means a drug that falls within one (1) of the following classes or types of substances:
 - (A) Opiates.
 - (B) Methadone.
 - (C) Barbiturates.
 - (D) Amphetamines.
 - (E) Benzodiazepines.
 - (F) Propoxyphene.
 - (G) Cocaine.
 - (H) PCP.
 - (I) Anabolic steroids.
 - (J) A drug other than one that has been either of the following:
 - (i) Purchased legally without a prescription, if a medical professional acting within the scope of his or her license or certification has certified that the drug will not affect the boxer’s ability to participate safely in the boxing contest and the attending or ringside physician agrees.
 - (ii) Obtained by the individual under a valid prescription or order of a licensed or certified medical professional acting within the scope of his or her license or

certification if the medical professional has certified that the drug will not affect the boxer’s ability to participate safely in the boxing contest and the attending or ringside physician agrees.

- (5) “Reasonable cause” means conduct or information from which a reasonable person could believe that an individual is under the influence of drugs.
- (6) “Test” means a urinalysis test designed to detect drugs.

(State Boxing Commission; 808 IAC 2-12-0.5; filed Sep 2, 2004, 5:00 p.m.: 28 IR 201)

SECTION 2. 808 IAC 2-12-2 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-2 Use of prohibited drugs

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 2. A contestant is not permitted to participate in a boxing contest if the boxer:

- (1) has a prohibited drug in his or her possession or control or in his or her system; or
- (2) refuses to submit to a test ordered under this rule.

(State Boxing Commission; 808 IAC 2-12-2; filed Sep 2, 2004, 5:00 p.m.: 28 IR 201)

SECTION 3. 808 IAC 2-12-3 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-3 Test for prohibited drugs

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 3. (a) The state boxing commission, or an authorized representative, may, upon random selection or reasonable cause, order a boxer to submit a test for the detection of a prohibited drug.

(b) Reasonable cause will be deemed to exist if one (1) or more of the following exists:

- (1) A boxer has been arrested for, or convicted of, an offense involving the:
 - (A) possession;
 - (B) sale;
 - (C) distribution; or
 - (D) use;
 of a drug.
- (2) A boxer has previously tested positive for a prohibited drug.
- (3) The state boxing commission obtains information that a boxer is under the influence of a drug.
- (4) The boxer is observed to be acting under the influence of a drug.

(c) Random selection will be done by a lottery system. Each bout occurring on a given day will be numbered, and

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the number of each bout will be written on a separate card supplied by the state boxing commission. Cards will then be shuffled, and a state boxing commission representative will randomly select at least one (1) card. A boxer participating in the event or the boxer's representative may witness the selection of the card. The boxers who are the contestants in the selected bout shall submit to a test.

(d) Each boxer participating in a championship bout shall submit to a test.

(e) A test shall be taken by a contestant within thirty-six (36) hours after the end of the contest in which the contestant was a participant. Test results must be submitted by the laboratory directly to the state boxing commission within fourteen (14) days. The state boxing commission may grant an extension of time if the results cannot be obtained within that time. (*State Boxing Commission; 808 IAC 2-12-3; filed Sep 2, 2004, 5:00 p.m.: 28 IR 201*)

SECTION 4. 808 IAC 2-12-4 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-4 Testing procedures

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 4. On the day of the contest, a representative of the state boxing commission will inform a contestant that he or she has been selected for a test. The contestant must make arrangements to submit to a urinalysis test within thirty-six (36) hours after the end of the contest in which the contestant was a participant. The contestant must submit an observed urine sample for a urinalysis test at a laboratory of his or her choice, as approved by the state boxing commission. (*State Boxing Commission; 808 IAC 2-12-4; filed Sep 2, 2004, 5:00 p.m.: 28 IR 202*)

SECTION 5. 808 IAC 2-12-5 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-5 Refusal to submit to drug test

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 5. A contestant may not refuse to submit to a test ordered under this rule. A contestant will be found to have refused to submit to a test if he or she fails to submit to the testing procedures under section 4 of this rule. (*State Boxing Commission; 808 IAC 2-12-5; filed Sep 2, 2004, 5:00 p.m.: 28 IR 202*)

SECTION 6. 808 IAC 2-12-6 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-6 Disciplinary actions

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 6. (a) Either of the following may result in disciplinary action being taken, after a hearing, against the contestant's license:

- (1) A positive drug test reading.
- (2) Failure to submit to a drug test upon request.

(b) A contestant who is disciplined under this section and who was the winner of a contest shall be disqualified, and the decision of the contest shall be changed to "no contest".

(c) The results of a contest shall remain unchanged if a contestant who is disciplined under this section was the loser of the contest. (*State Boxing Commission; 808 IAC 2-12-6; filed Sep 2, 2004, 5:00 p.m.: 28 IR 202*)

SECTION 7. 808 IAC 2-12-7 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-7 Costs

Authority: IC 25-9-1-2
Affected: IC 25-9-1

Sec. 7. (a) The promoter shall be responsible for costs incurred with respect to tests performed under this rule.

(b) The boxer shall be responsible for costs incurred with respect to completion of a drug treatment program ordered under this rule. (*State Boxing Commission; 808 IAC 2-12-7; filed Sep 2, 2004, 5:00 p.m.: 28 IR 202*)

LSA Document #03-227(F)
Notice of Intent Published: September 1, 2003; 26 IR 3908
Proposed Rule Published: May 1, 2004; 27 IR 2566
Hearing Held: May 28, 2004
Approved by Attorney General: August 24, 2004
Approved by Governor: September 1, 2004
Filed with Secretary of State: September 2, 2004, 5:00 p.m.
IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #03-261(F)

DIGEST

Amends 844 IAC 6-1-4 to incorporate by reference the April 2002 edition of Commission on Accreditation in Physical Therapy Education, Accreditation Handbook. Amends 844 IAC 6-3-1 to revise the requirements for licensure by endorsement for physical therapists and physical therapist's assistants. Amends 844 IAC 6-3-2 to revise the requirements for licensure by examination for physical therapists and physical therapist's

assistants. Amends 844 IAC 6-3-4 to revise the application requirements for licensure as a physical therapist and certification for physical therapist's assistants. Amends 844 IAC 6-3-5 to revise the requirements for a temporary permit. Adds 844 IAC 6-3-6 to establish requirements for the collection and use of the Social Security number for applicants who apply for a license, certificate, or permit under IC 25-27-1. Amends 844 IAC 6-4-3 to change registration to certificate. Amends 844 IAC 6-6 to modify the requirements for the reinstatement of a suspended license to practice as a physical therapist and a certificate to act as a physical therapist's assistant. Amends 844 IAC 6-7 to revise the standards of professional conduct and competent practice of physical therapy and practice as a physical therapist's assistant. Repeals 844 IAC 6-6-1 and 844 IAC 6-6-2. Effective 30 days after filing with the secretary of state.

844 IAC 6-1-4	844 IAC 6-4-3
844 IAC 6-3-1	844 IAC 6-6-1
844 IAC 6-3-2	844 IAC 6-6-2
844 IAC 6-3-4	844 IAC 6-6-3
844 IAC 6-3-5	844 IAC 6-6-4
844 IAC 6-3-6	844 IAC 6-7-2

SECTION 1. 844 IAC 6-1-4 IS AMENDED TO READ AS FOLLOWS:

844 IAC 6-1-4 Accreditation of educational programs

Authority: IC 25-27-1-5
 Affected: IC 4-22-2-21; IC 25-27-1-1

Sec. 4. (a) The committee shall maintain a list of physical therapy and physical therapist's assistant educational programs ~~which that~~ the committee has approved. This list shall be available in written form from the Health Professions Bureau, 402 West Washington Street, Room ~~W041~~, **W066**, Indianapolis, Indiana 46204.

(b) An approved program is one maintaining standards equivalent to those adopted by the Commission on Accreditation in Physical Therapy Education (CAPTE), Accreditation Handbook, ~~August 2000~~ **April 2002** edition. These standards are hereby adopted as those of the committee and are hereby incorporated by reference under IC 4-22-2-21 and do not include any amendments or subsequent editions. A copy of such standards shall be available for public inspection at the office of the Health Professions Bureau, 402 West Washington Street, Room ~~W041~~, **W066**, Indianapolis, Indiana 46204. Copies of such standards are available from the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria, Virginia 22314 or at <http://www.apta.org/Education/accreditation>.

(c) An educational program, or a graduate or candidate for graduation from an educational program, which is not on the list of approved programs maintained by the committee, may apply to the committee for approval by petition demonstrating that the

educational program meets the committee's standards for approval.

(d) The committee may remove an educational program from its list of approved programs upon the grounds that the educational program no longer meets its standards for approval. (*Medical Licensing Board of Indiana; 844 IAC 6-1-4; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2732; filed Sep 22, 1994, 4:30 p.m.: 18 IR 263; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Oct 7, 2002, 11:51 a.m.: 26 IR 377; filed Aug 26, 2004, 10:20 a.m.: 28 IR 203*)

SECTION 2. 844 IAC 6-3-1 IS AMENDED TO READ AS FOLLOWS:

844 IAC 6-3-1 Licensure by endorsement

Authority: IC 25-27-1-5
 Affected: IC 4-1-8-1; IC 25-1-9; IC 25-27-1

Sec. 1. The committee may issue a license by endorsement to an applicant who completes the following:

- (1) Submits a sworn application in proper form.
- (2) Submits the fee specified in ~~844 IAC 6-2-1~~, **844 IAC 6-2-2**.
- (3) Presents satisfactory evidence that he or she does not have a conviction for an act, within or outside of this state, ~~which that~~ would constitute a ground for disciplinary sanction under IC 25-1-9.
- (4) Has been certified by a written examination provided by the committee. The uniform criterion-referenced passing score on the physical therapy and physical ~~therapy therapist's~~ assistant examinations, which has been adopted by the board of directors of the Federation of State Boards of Physical Therapy, is the required passing score. This criterion-referenced passing score shall be ~~equated to a converted scaled~~ score of ~~seventy-five (75)~~, **six hundred (600)**. If the applicant was licensed in a state ~~which that~~ required an examination, other than an examination provided by the committee, the committee shall determine whether the applicant took and passed a postgraduate written examination substantially equivalent in content and difficulty to the examination adopted by the committee.
- (5) Submits verification from all states in which the applicant has been or is currently licensed-certified. ~~which statement shall~~ **The verification must include a statement verifying** whether the applicant has ever been disciplined in any manner.
- ~~(6) Submits evidence that applicant is a graduate of a physical therapy or a physical therapist's assistant program. If the transcript is not written in English, the applicant must submit a certified copy of an official English translation.~~
- ~~(7)~~ **(6)** Submits an official transcript of grades from a physical therapy ~~school~~ or physical ~~therapist assistant's therapist's assistant~~ school ~~showing evidencing that the applicant is a graduate of a physical therapist or physical therapist's assistant entry-level educational program that~~

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meets the requirements of 844 IAC 6-1-4 and that a degree has been conferred. **If the transcript is not in English, the applicant must submit a certified copy of an official English translation.** Graduates of a foreign physical therapy program must submit notarized copies of their transcripts if official transcripts are unavailable.

(8) (7) Submits one (1) passport-type quality photograph of the applicant taken within the last eight (8) weeks.

(8) **Submits the applicant's valid United States Social Security number.**

(9) Meets all other minimum requirements as specified in IC 25-27-1.

(Medical Licensing Board of Indiana; 844 IAC 6-3-1; filed Mar 10, 1983, 3:59 p.m.: 6 IR 774; filed Jun 11, 1984, 1:02 p.m.: 7 IR 1938; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2732; filed Apr 5, 1990, 2:45 p.m.: 13 IR 1413; filed Sep 22, 1994, 4:30 p.m.: 18 IR 263; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 203)

SECTION 3. 844 IAC 6-3-2 IS AMENDED TO READ AS FOLLOWS:

844 IAC 6-3-2 Licensure by examination

Authority: IC 25-27-1-5

Affected: IC 25-1-9; IC 25-27-1-6

Sec. 2. (a) The committee shall issue a license by examination to an applicant who completes the following:

(1) Submits a sworn ~~statement~~ **application** in proper form.

(2) Submits the fee specified in ~~844 IAC 6-2-1~~. **844 IAC 6-2-2.**

(3) Presents satisfactory evidence that he or she does not have a conviction for an act, within or outside of this state, ~~which~~ **that** would constitute a ground for disciplinary sanction under IC 25-1-9 and has not been the subject of a disciplinary action as stated in IC 25-27-1-6(a)(2).

(4) Successfully completes the examination provided by the committee. The uniform criterion-referenced passing score on the physical therapy or physical ~~therapy assistant's~~ **therapist's assistant** examination, which has been adopted by the board of directors of the Federation of State Boards of Physical Therapy, is the required passing score. This criterion-referenced passing score shall be ~~equated to a converted scaled~~ score of ~~seventy-five (75)~~. **six hundred (600).**

(5) ~~Submits evidence that the applicant is a graduate of a physical therapy or a physical therapist's assistant program that has been approved by the committee under 844 IAC 6-1-4.~~

(6) (5) Submits one (1) passport-type quality photograph of the applicant taken within the last eight (8) weeks.

(7) (6) Submits an official transcript of grades from a physical therapy or physical ~~therapy assistant's~~ **therapist's assistant** school showing **evidence that the applicant is a graduate of a physical therapy or a physical therapist's assistant program that has been approved by the committee under 844 IAC 6-1-4** and that a degree has been con-

ferred.

(8) (7) Submits a certified copy of an English translation of any document that is not in English.

(9) (8) Meets all other minimum requirements specified in IC 25-27-1.

(b) The committee may issue a license by examination to an applicant who has been educated as a physical therapist in a foreign country who submits the following:

(1) Information required by subsection (a).

(2) A certified copy of all academic records and an evaluation, from an accredited evaluation service approved by the committee, of all academic records and credentials for the committee's consideration in determining educational equivalence, such equivalence to be determined by the committee.

(c) ~~If repeating~~ **For an applicant who has failed to pass the examination, in this state or any other state, the following apply:**

(1) **After the first attempt, the applicant may retake the examination at their first available opportunity.**

(2) **After the second attempt, the applicant must wait at least ninety (90) days before reapplying to take the licensure examination.**

(3) **After the third attempt or subsequent attempt, the applicant must wait at least one hundred eighty (180) days before reapplying to take the licensure examination.**

(4) The applicant must pay the reexamination fee specified in ~~844 IAC 6-2-1~~. **844 IAC 6-2-2.**

(Medical Licensing Board of Indiana; 844 IAC 6-3-2; filed Mar 10, 1983, 3:59 p.m.: 6 IR 774; filed Jun 11, 1984, 1:02 p.m.: 7 IR 1939; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2733; filed Apr 5, 1990, 2:45 p.m.: 13 IR 1414; filed Sep 22, 1994, 4:30 p.m.: 18 IR 264; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 204)

SECTION 4. 844 IAC 6-3-4 IS AMENDED TO READ AS FOLLOWS:

844 IAC 6-3-4 Applications for licensure as a physical therapist or certification as a physical therapist's assistant

Authority: IC 25-27-1-5

Affected: IC 25-27-1-6; IC 25-27-1-8

Sec. 4. (a) Persons desiring licensure as a physical therapist or **certification as a physical therapist's assistant** must file a completed application on a form provided by the committee.

(b) ~~All applicants filing to take the examination who are graduates of an approved curriculum for physical therapy or physical therapist's assistants must file a completed application no later than sixty (60) days prior to the examination, except that where such dates are a Saturday, Sunday, or holiday the deadline shall be the next business day immediately following~~

such date. There is no deadline for endorsement applications. Persons submitting a completed application may be issued a temporary permit as provided by ~~IC 25-27-1-8~~. **IC 25-27-1-8(d)**.

~~(c)~~ Students may be approved to sit for the examination if, on or before the filing date, a recognized official of the student's educational institute states that the student is expected to complete the educational requirements prior to the examination. Prior to the examination, the committee must receive notice from a recognized official of the educational institute, confirming satisfactory completion of all educational requirements. If such notice is not received, the student will be disqualified from taking the examination.

~~(d)~~ (c) At the time of submitting an original application to the committee, the applicant shall show to a staff member of the bureau, or to a member of the committee, the original physical therapist's or physical therapist's assistant's diploma or a certified copy of the diploma. A photocopy of the diploma may then be made for the files of the committee. In the event that such diploma has been lost or destroyed, the applicant shall submit the following:

- (1) A statement under the signature and seal of the dean of the school from which the applicant graduated verifying that the applicant has satisfactorily completed:
 - (A) the prescribed course of study;
 - (B) the actual degree conferred; and
 - (C) the date thereof. **the degree was conferred.**
- (2) An affidavit made before a duly authorized official to administer ~~oath~~, **oaths**, fully and clearly stating the circumstances under which the applicant's diploma was lost or destroyed.

~~If a student has not received a diploma, the committee will accept a statement under the signature and seal of the dean of the school or college from which the applicant is expected to receive a diploma. The statement shall verify the date that the applicant is expected to receive a diploma.~~

~~(e)~~ (d) The fee for an application as specified in ~~844 IAC 6-2-1~~ **844 IAC 6-2-2** shall be made payable to the health professions bureau. The fee is nonrefundable if the applicant should decide to withdraw the application. (*Medical Licensing Board of Indiana; 844 IAC 6-3-4; filed Mar 10, 1983, 3:59 p.m.: 6 IR 775; filed Oct 17, 1986, 2:00 p.m.: 10 IR 433; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2733; filed Sep 22, 1994, 4:30 p.m.: 18 IR 265; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 204*)

SECTION 5. 844 IAC 6-3-5 IS AMENDED TO READ AS FOLLOWS:

844 IAC 6-3-5 Temporary permits

Authority: IC 25-27-1-5
Affected: IC 25-27-1-6

Sec. 5. (a) For applicants for licensure by endorsement, the committee may **not** issue **a more than two (2) temporary nonrenewable permit permits** to an applicant for a license as a physical therapist or a certificate as a physical therapist's assistant where the applicant **submits verification of a valid license to practice physical therapy or a valid certificate to act as a physical therapist's assistant from another jurisdiction** and meets the requirements of section ~~†~~ **1(1) through 1(4) and 1(7)** of this rule, except where

- ~~(†)~~ the applicant has graduated from an educational program in another state, country, or territory, not **accredited approved** by the committee. **or**
- ~~(2)~~ the applicant has **not** successfully completed the test required by section ~~2(a)~~(4) of this rule.

(b) For recent graduates, the committee may issue **a not more than two (2) temporary nonrenewable permit permits** to an applicant for a license as a physical therapist or a certificate as a physical therapist's assistant who is a graduate of an approved physical therapy program or an approved physical therapist's assistant program that meets the standards set by the committee and who has applied for and been approved by the committee to take the examination for which the applicant has applied for licensure or certification.

(c) A candidate for a license as a physical therapist or for a certificate as a physical therapist's assistant holding a temporary permit **hereunder under this section** shall only work under the direct supervision of a licensed physical therapist ~~or physician~~, and shall report to the committee, on a form provided by the committee, the name of the facility and supervising physical therapists. ~~or physicians.~~

(d) A temporary permit shall expire on the earliest date that any one (1) of the following events occurs:

- (1) The applicant is licensed or certified.
- (2) The application for licensure or certification is disapproved.
- (3) Ninety (90) days has passed since the issuance of the temporary permit.

(*Medical Licensing Board of Indiana; 844 IAC 6-3-5; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2734; filed Sep 22, 1994, 4:30 p.m.: 18 IR 265; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Oct 7, 2002, 12:02 p.m.: 26 IR 378; filed Aug 26, 2004, 10:20 a.m.: 28 IR 205*)

SECTION 6. 844 IAC 6-3-6 IS ADDED TO READ AS FOLLOWS:

844 IAC 6-3-6 Social Security numbers

Authority: IC 4-1-8-1; IC 25-27-1-15
Affected: IC 25-27-1-6

Sec. 6. (a) **An applicant who applies for a license, certificate, or permit under IC 25-27-1 must submit to the committee the applicant's United States Social Security number.**

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(b) No application for a license, certificate, or permit will be approved before the Social Security number is submitted to the committee.

(c) The bureau and the committee will release the applicant's Social Security number as provided in state or federal law.

(d) The bureau and the boards may allow access to the Social Security number of each person who holds a license, certificate, or permit issued under IC 25-27-1 or has applied for a license, certificate, or permit under IC 25-27-1 to the following:

(1) A testing service that provides the examination for licensure to the bureau or the boards.

(2) An individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities between the individual states.

(Medical Licensing Board of Indiana; 844 IAC 6-3-6; filed Aug 26, 2004, 10:20 a.m.: 28 IR 205)

SECTION 7. 844 IAC 6-4-3 IS AMENDED TO READ AS FOLLOWS:

844 IAC 6-4-3 Reinstatement of delinquent license

Authority: IC 25-27-1-5

Affected: IC 25-27-1-8

Sec. 3. (a) A physical therapist or physical therapist's assistant who is less than three (3) years delinquent in renewing a license or ~~registration~~ **certificate** shall be reinstated upon receipt of a renewal application, reinstatement fee, and renewal fees.

(b) If more than three (3) years have elapsed since the expiration of a license or ~~registration~~, **certificate**, the applicant shall meet all requirements of 844 IAC 6-3-1 except that, where the applicant has not practiced for more than three (3) years, the committee may, after an appearance before the committee, require the applicant to retake and pass the examination provided by the committee. (Medical Licensing Board of Indiana; 844 IAC 6-4-3; filed Mar 10, 1983, 3:59 p.m.: 6 IR 775; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2735; filed Apr 5, 1990, 2:45 p.m.: 13 IR 1414; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 206)

SECTION 8. 844 IAC 6-6-3 IS AMENDED TO READ AS FOLLOWS:

844 IAC 6-6-3 Duties of suspended licensees, certificate holders

Authority: IC 25-22.5-2-7; IC 25-27-1-5

Affected: IC 25-1-9

Sec. 3. In any case where a person's license or ~~registration~~

~~certificate~~ has been suspended pursuant to ~~IC 25-27-1-10.1(e)(2)~~, under IC 25-1-9, said person shall **do the following**:

(1) Within thirty (30) days from the date of the order of suspension, file with the physical therapy committee an affidavit showing ~~that~~ **the following**:

(A) All active patients then under the licensee's or ~~registrant's~~ **certificate holder's** care have been notified in the manner and method specified by the committee of the licensee's or ~~registrant's~~ **certificate holder's** suspension and consequent inability to act for or on their behalf in a professional capacity. Such notice shall advise all such patients to seek the services of another licensee or ~~registrant~~ **certificate holder** of good standing of their own choice.

(B) All hospitals **and** medical and health care facilities where such licensee or ~~registrant~~ **certificate holder** has privileges or staff status have been informed of the suspension order.

(C) Reasonable arrangements were made for the transfer of patient records, radiographic studies, and test results, or copies thereof, to a succeeding licensee or ~~registrant~~ **certificate holder** employed by the patient or those responsible for the patient's care.

(2) Prove compliance with this section as a condition precedent to reinstatement.

(Medical Licensing Board of Indiana; 844 IAC 6-6-3; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2736; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 206)

SECTION 9. 844 IAC 6-6-4 IS AMENDED TO READ AS FOLLOWS:

844 IAC 6-6-4 Protection of patients' interests

Authority: IC 25-22.5-2-7; IC 25-27-1-5

Affected: IC 25-1-9

Sec. 4. Whenever a person's license or ~~registration~~ **certificate** has been suspended pursuant to ~~IC 25-27-1-10.1(e)(2)~~, under IC 25-1-9 and said person has not fully complied with the provisions of ~~844 IAC 6-6-3 and 844 IAC 6-6-4, section 3 of this rule and this section~~ or if said licensee or ~~registrant~~ **certificate holder** has disappeared, or died, or is otherwise unable to comply with ~~said sections, section 3 of this rule and this section~~, the physical therapy committee shall request the health professions bureau or the Indiana Chapter of the American Physical Therapy Association to take such action as may be appropriate to protect the interests of that person's patients. (Medical Licensing Board of Indiana; 844 IAC 6-6-4; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2736; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 206)

SECTION 10. 844 IAC 6-7-2 IS AMENDED TO READ AS FOLLOWS:

844 IAC 6-7-2 Standards of professional conduct and competent practice

Authority: IC 25-27-1-5

Affected: IC 16-39-1-1; IC 25-1-9-9; IC 25-27-1; IC 34-6-2-99; IC 34-30-15-1

Sec. 2. (a) A practitioner when engaging in the practice of physical therapy shall abide by, and comply with, the following standards of professional conduct in this section.

(a) (b) A practitioner shall maintain the confidentiality of all knowledge and information regarding a patient, including, but not limited to, the patient's:

- (1) diagnosis;
- (2) treatment; and
- (3) prognosis;

of which the practitioner has knowledge during the course of the patient-practitioner relationship. Information about a patient shall be disclosed by a practitioner when required by law, including, but not limited to, the requirements of ~~IC 34-4-12.6-1~~ **IC 34-30-15-1 et seq.** and ~~IC 16-4-8-1~~ **IC 16-39-1-1 et seq.**, and any amendments thereto, or when authorized by the patient or those responsible for the patient's care.

(b) (c) A practitioner shall give a truthful, candid, and reasonably complete account of the patient's condition to the patient or to those responsible for the patient's care, except where a practitioner reasonably determines that the information is detrimental to the physical or mental health of:

- (1) the patient; or to the physical or mental health of
- (2) those persons responsible for the patient's care.

(c) (d) The practitioner shall give reasonable written notice to the patient and to the referring physician, podiatrist, psychologist, chiropractor, or dentist when the practitioner withdraws from a case so that another referral may be made by the referring physician, podiatrist, psychologist, chiropractor, or dentist. A practitioner shall not abandon a patient. A practitioner who withdraws from a case, except in emergency circumstances, shall, upon written request, comply with the provisions of ~~IC 16-4-8-1 through IC 16-4-8-11~~ **IC 16-39-1-1 et seq.**, and of any subsequent amendment or revision thereof, when a patient requests health records.

(d) (e) A practitioner shall exercise reasonable care and diligence in the treatment of patients based upon generally accepted scientific principles, methods, treatments, and current professional theory and practice.

(e) (f) A practitioner shall not:

- (1) represent;
- (2) advertise;
- (3) state; or
- (4) indicate;

the possession of any degree recognized as the basis for licensure to practice physical therapy unless the practitioner is

actually licensed on the basis of such degree in the state or states in which he/she practices.

(f) (g) A physical therapist shall not delegate to supportive personnel any service ~~which that~~ requires the skill, knowledge, and judgment of the licensed physical therapist.

(g) (h) A physical therapist's assistant shall not accept a delegation of a service ~~which that~~ exceeds the scope of practice of their ~~registration certificate~~ as defined in ~~844 IAC 6-1-2(3)~~; **844 IAC 6-1-2(g)(3)**.

(h) (i) A practitioner who has personal knowledge based upon a reasonable belief that another practitioner holding the same license ~~or certificate~~ has engaged in illegal, unlawful, incompetent, or fraudulent conduct in the practice of physical therapy shall promptly report such conduct to a peer review or similar body, as defined in ~~IC 34-4-12.6-1~~ **IC 34-6-2-99 and as provided in IC 34-30-15-1 et seq.**, having jurisdiction over the offending practitioner and the matter. This provision does not prohibit a practitioner from promptly reporting said conduct directly to the physical therapy committee. Further, a practitioner who has personal knowledge of any person engaged in, or attempting to engage in, the unauthorized practice of medicine or physical therapy shall promptly report such conduct to the medical licensing board or the physical therapy committee.

(i) (j) A practitioner who voluntarily submits himself or herself to, or is otherwise undergoing a course of treatment for:

- (1) addiction;
- (2) severe dependency upon alcohol or other drugs or controlled substances; or ~~for~~
- (3) psychiatric impairment;

where such treatment is sponsored or supervised by ~~an a~~ **committee for impaired physical therapists committee practitioners** of a state, regional, or local organization of professional health care providers, or where such treatment is sponsored or supervised by ~~an a~~ **committee for impaired physical therapist committee practitioners** of a hospital, shall be exempt from reporting to a peer review committee as set forth in subsection (h) (i) or to the physical therapy committee so long as

- (A) the practitioner is complying with the course of treatment
- (B) ~~the practitioner is~~ **and** making satisfactory progress.

If the practitioner fails to comply with or is not ~~benefitted~~ **benefitted** by the course of treatment, the practitioner-chief administrative officer, his ~~or her~~ designee, or any member of the ~~committee for impaired physical therapist committee practitioners~~ shall promptly report such facts and circumstances to the physical therapy committee. **Subsection (i) and** this subsection shall not, in any manner whatsoever, directly or indirectly, be deemed or construed to prohibit, restrict, limit, or otherwise preclude the physical therapy committee from taking such action as it deems appropriate or as may otherwise be provided by law.

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~~(j)~~(**k**) Fees charged by a practitioner for his **or** her professional services shall be reasonable and shall reasonably compensate the practitioner only for services actually rendered.

~~(z)~~ (**l**) A practitioner shall not enter into agreement for, charge, or collect an illegal or clearly excessive fee.

~~(z)~~ (**m**) Factors to be considered in determining the reasonableness of a fee include, but are not limited to, the following:

~~(A)~~ (**1**) The difficulty ~~and/or~~ **or** uniqueness, **or both**, of the services performed and the time, skill, and experience required.

~~(B)~~ (**2**) The fee customarily charged in the locality for similar practitioner services.

~~(C)~~ (**3**) The amount of the charges involved.

~~(D)~~ (**4**) The quality of performance.

~~(E)~~ (**5**) The nature and length of the professional relationship with the patient. ~~and~~

~~(F)~~ (**6**) The experience, reputation, and ability of the practitioner in performing the kind of services involved.

~~(j)~~(**n**) A practitioner shall not pay, demand, or receive compensation for referral of a patient except for a patient referral program operated by a professional society or association.

~~(k)~~ (**o**) A practitioner shall be responsible for the conduct of each and every person employed by the practitioner for every action or failure to act by said employee or employees in the course of the employment relationship.

~~(j)~~(**p**) A practitioner shall not, on behalf of:

(**1**) himself **or** herself;

(**2**) a partner;

(**3**) **an** associate;

(**4**) a shareholder in a professional corporation; or

(**5**) any other practitioner or specific health care provider affiliated with the practitioner;

use, or participate in the use of, any form of public communication containing a false, fraudulent, misleading, deceptive, or unfair statement or claim.

~~(z)~~ (**q**) Subject to the requirements of subsection ~~(j)~~(**t**) of this section; (**p**), and in order to facilitate the process of informed selection of a practitioner by the public, a practitioner may advertise services through the public media, provided that the advertisement is dignified and confines itself to the existence, scope, nature, and field of practice of physical therapy.

~~(z)~~ (**r**) If the advertisement **in subsection (q)** is communicated to the public by radio, cable, or television, it shall be prerecorded **and** approved for broadcast by the practitioner, and a recording and transcript of the actual transmission shall be retained by the practitioner for a period of five (5) years from the last date of broadcast.

~~(j)~~ (**s**) If a practitioner advertises a fee for:

(**1**) a service;

(**2**) a treatment;

(**3**) a consultation;

(**4**) **an** examination; or

(**5**) **any** other procedure;

the practitioner must render that service or procedure for no more than the fee advertised.

~~(z)~~ (**t**) Except as otherwise provided in these rules, a practitioner shall not contact or solicit individual members of the public personally or through an agent in order to offer services to such person or persons unless that individual initiated contact with the practitioner for the purpose of engaging that practitioner's professional services.

~~(m)~~(**u**) A practitioner may, whenever the practitioner believes it to be beneficial to the patient, and upon approval of the referring physician, podiatrist, psychologist, chiropractor, or dentist, send or refer a patient to a qualified specific professional health care provider for treatment or health care ~~which~~ **that** falls within the specific professional health care provider's scope of practice. Prior to any such referral, however, the practitioner shall examine ~~and/or~~ **or** consult with, **or both**, the patient and the referring physician, podiatrist, psychologist, chiropractor, or dentist to ~~insure~~ **ensure** that a condition exists in the patient ~~which~~ **that** would be within the scope of practice of the specific professional health care provider to whom the patient is referred or sent.

~~(n)~~(**v**) A practitioner, upon:

(**1**) his **or** her retirement; ~~or upon~~

(**2**) discontinuation of the practice of physical therapy; ~~or upon~~

(**3**) leaving or moving from a community;

shall not sell, convey, or transfer for valuable consideration, remuneration, or ~~for~~ anything of value patient records of that practitioner to any other practitioner.

~~(z)~~ (**w**) A practitioner, upon:

(**1**) retiring from private practice; ~~or upon~~

(**2**) discontinuation of the private practice of physical therapy; ~~or upon~~

(**3**) leaving or moving from a community;

shall notify all of his **or** her active patients in writing, or by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the community, that he **or** she intends to discontinue his **or** her practice of physical therapy in the community and shall notify the referring physician, podiatrist, psychologist, chiropractor, or dentist **of each active patient**. The practitioner discontinuing his **or** her practice shall make reasonable arrangements with his/her active patients for the transfer of his/her records, or copies thereof, to the referring physician, podiatrist, psychologist, chiropractor, or dentist who shall make the records, or copies thereof, available to the succeeding practitioner or to a program conducted by a professional society or association.

(x) As used herein, “active patient” applies and refers to a person whom the practitioner has:

- (1) examined;
- (2) treated;
- (3) cared for; or
- (4) otherwise consulted with;

during the two (2) year period prior to retirement, discontinuation of the practice of physical therapy, or leaving or moving from a community.

(y) A practitioner shall not base his fee upon the uncertain outcome of a contingency, whether such contingency be the outcome of litigation or any other occurrence or condition which that may or may not develop, occur, or happen.

(z) A practitioner shall not attempt to exonerate himself or herself from or limit his or her liability to a patient for his or her personal malpractice except that a practitioner may enter into agreements which that contain informed, voluntary releases and/or or waivers of liability, or both, in settlement of a claim made by a patient or by those responsible for a patient’s care.

(aa) A practitioner shall not attempt to preclude, prohibit, or otherwise prevent the filing of a complaint against him or her by a patient or other practitioner for any alleged violation of 844 IAC or of any alleged violation of this title, IC 25-27-1 et seq., or of any other law.

(bb) A practitioner shall maintain adequate patient records.

(cc) A practitioner shall not interfere with, or refuse to cooperate in, an investigation or disciplinary proceeding by willful misrepresentation of facts or the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any legal action.

(dd) A practitioner shall not aid or abet a person not licensed or certified in this state who directly or indirectly performs activities requiring a license or certificate.

(ee) A practitioner shall not practice as a physical therapist or work as a physical therapist’s assistant when physical or mental abilities are impaired by the use of:

- (1) controlled substances;
- (2) other habit-forming drugs;
- (3) chemicals; or
- (4) alcohol.

(ff) A practitioner shall not engage in the performance of substandard care due to a deliberate or negligent act or failure to act regardless of whether there was actual injury to the patient.

(gg) A practitioner shall not engage in sexual misconduct, including the following:

- (1) Making sexual advances.**
- (2) Requesting sexual favors.**
- (3) Engaging in verbal conduct or physical contact of a sexual nature with patients, clients, or coworkers.**

(hh) A practitioner who has been convicted of a felony, or who has pled no contest or any other finding of guilt as to such felony, in this or any other state, territory, or country, which demonstrates impaired judgment or risk to the public in the practitioner’s future provision of physical therapy service, may be deemed to be in violation of this section.

(ii) Failure to comply with the above standards of professional conduct and competent practice of physical therapy may result in disciplinary proceedings against the offending practitioners. Further, all practitioners licensed in Indiana shall be responsible for having knowledge of these standards of conduct and practice. (*Medical Licensing Board of Indiana; 844 IAC 6-7-2; filed Oct 3, 1988, 2:36 p.m.: 12 IR 386; errata filed Oct 11, 1988, 3:00 p.m.: 12 IR 391; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 207*)

SECTION 11. THE FOLLOWING ARE REPEALED: 844 IAC 6-6-1; 844 IAC 6-6-2.

*LSA Document #03-261(F)
Notice of Intent Published: October 1, 2003; 27 IR 210
Proposed Rule Published: February 1, 2004; 27 IR 1635
Hearing Held: April 22, 2004
Approved by Attorney General: August 13, 2004
Approved by Governor: August 25, 2004
Filed with Secretary of State: August 26, 2004, 10:20 a.m.
IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: Commission on Accreditation in Physical Therapy Education (CAPTE), Accreditation Handbook, April 2002 edition.*

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #03-262(F)

DIGEST

Amends 844 IAC 6-1-2 to revise the definitions concerning physical therapists and physical therapist’s assistants. Effective 30 days after filing with the secretary of state.

844 IAC 6-1-2

SECTION 1. 844 IAC 6-1-2 IS AMENDED TO READ AS FOLLOWS:

844 IAC 6-1-2 Definitions

Authority: IC 25-27-1-5
Affected: IC 25-27-1-2; IC 25-27-1-8

Final Rules

Sec. 2. (a) The definitions in this section apply throughout this article.

(b) “Board” refers to the medical licensing board of Indiana.

(c) “Bureau” refers to the health professions bureau.

(d) “Committee” refers to the Indiana physical therapy committee.

(e) “Direct supervision” means that the supervising physical therapist or physician at all times shall be available and under all circumstances shall be absolutely responsible for the direction and the actions of the person supervised when services are performed by the physical therapist’s assistant or holder of a temporary permit issued under IC 25-27-1-8(d). For the holder of a temporary permit issued under IC 25-27-1-8(d), unless the supervising physical therapist or physician is on the premises to provide constant supervision, the holder of a temporary permit shall meet with the physical therapist or physician at least once each working day to review all patients’ treatments. This meeting must include the actual presence of the physical therapist or physician and the holder of a temporary permit. The patient’s care shall always be the responsibility of the supervising physical therapist or physician. Reports written by the holder of a temporary permit for inclusion in the patients’ record shall be countersigned by the physical therapist or physician who may enter any remarks, revisions, or additions as the physical therapist or physician deems appropriate. With respect to the supervision of physical therapist’s assistants under IC 25-27-1-2(c), unless the supervising physical therapist or physician is on the premises to provide constant supervision, the physical therapist’s assistant shall consult with the supervising physical therapist or physician at least once each working day to review all patients’ treatments. The supervising physical therapist or physician shall examine each patient not less than:

(1) every fourteen (14) days for inpatients in either a hospital or comprehensive rehabilitation facility;

(2) the earlier of every ninety (90) days or six (6) physical therapy visits for patients in a facility for the mentally retarded (MR) and developmentally disabled (DD) and school system patients; and

(3) the earlier of every thirty (30) days or every fifteen (15) physical therapy visits for all other patients;

to review the patients’ treatment and progress. If this daily consultation is not face-to-face, the physical therapist or physician may not supervise more than the equivalent of three (3) full-time physical therapist’s assistants. A consultation between a supervising physical therapist or a physician and the physical therapist’s assistant may be in person, by telephone, or by a telecommunications device for the deaf (TDD), so long as there is interactive communication concerning patient care.

(f) “Physical therapist’s assistant” means a person who is registered by the committee to assist in the practice of physical

therapy under the direct supervision of a licensed physical therapist or under the direct supervision of a physician by performing those assigned physical therapy procedures identified in subsection (g)(3), but not those specified in subsection (g)(1) or (g)(2).

(g) “Physical therapy” includes, but is not limited to, such measures as the following:

(1) Performing and interpreting tests and measurements of neuromuscular, musculoskeletal, cardiac, and pulmonary functions as a part of treatment, interpretation of physician referrals, initial patient evaluation, initial and ongoing treatment planning, periodic reevaluation of the patient, and adjustment of the treatment plan.

(2) Planning initial and subsequent treatment programs on the basis of test findings and within the orders of a referring practitioner who is licensed to practice medicine, osteopathic medicine, dentistry, podiatry, or chiropractic. ~~in the state of Indiana.~~

(3) Administering treatment through the use of physical, chemical, or other properties of heat or cold, light, water, electricity, massage, mechanical devices, and therapeutic exercise, which includes all types of physical rehabilitative techniques and procedures.

(Medical Licensing Board of Indiana; 844 IAC 6-1-2; filed Mar 10, 1983, 3:59 p.m.: 6 IR 773; filed Jun 11, 1984, 1:02 p.m.: 7 IR 1937; filed Mar 6, 1986, 3:00 p.m.: 9 IR 1662; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2731; filed Apr 14, 1994, 5:00 p.m.: 17 IR 2077; filed Sep 22, 1994, 4:30 p.m.: 18 IR 261; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:15 a.m.: 28 IR 209)

LSA Document #03-262(F)

Notice of Intent Published: October 1, 2003; 27 IR 211

Proposed Rule Published: January 1, 2004; 27 IR 1284

Hearing Held: January 22, 2004

Approved by Attorney General: August 10, 2004

Approved by Governor: August 24, 2004

Filed with Secretary of State: August 26, 2004, 10:15 a.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #03-329(F)

DIGEST

Amends 844 IAC 10-4-1 concerning mandatory registration; renewal of certified occupational therapists and occupational therapy assistants. Effective 30 days after filing with the secretary of state.

844 IAC 10-4-1

SECTION 1. 844 IAC 10-4-1 IS AMENDED TO READ AS FOLLOWS:

844 IAC 10-4-1 Mandatory registration; renewal

Authority: IC 25-23.5-2-6

Affected: IC 25-23.5-5-9; IC 25-23.5-5-12

Sec. 1. Every occupational therapist and occupational therapy assistant holding a certificate issued by the committee shall renew **their his or her** certificate biennially **on or before December 31** of each even-numbered year. (*Medical Licensing Board of Indiana; 844 IAC 10-4-1; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 12, 2004, 10:12 a.m.: 28 IR 211*)

LSA Document #03-329(F)

Notice of Intent Published: January 1, 2004; 27 IR 1199

Proposed Rule Published: May 1, 2004; 27 IR 2568

Hearing Held: May 27, 2004

Approved by Attorney General: July 27, 2004

Approved by Governor: August 11, 2004

Filed with Secretary of State: August 12, 2004, 10:12 a.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

hours that a licensee must obtain for the **three (3) year** reporting period in progress at the time of the issuance or reactivation of a certificate under section 8, 14, or 14.5 of this rule, **and it also establishes the minimum hours required in the calendar year of the issuance or reactivation:**

Date of Issuance of Certificate	Required Hours for Three (3) Year Reporting Period	Required Minimum Hours for the Year of Issuance or Reactivation
January 1 – March 31 first year of the reporting period	120	20
April 1 – June 30 first year of the reporting period	110	15
July 1 – September 30 first year of the reporting period	100	10
October 1 – December 31 first year of the reporting period	90	0
January 1 – March 31 second year of the reporting period	80	20
April 1 – June 30 second year of the reporting period	70	15
July 1 – September 30 second year of the reporting period	60	10
October 1 – December 31 second year of the reporting period	50	0
January 1 – March 31 third year of the reporting period	40	N/A
April 1 – June 30 third year of the reporting period	30	N/A
July 1 - September 30 third year of the reporting period	0 20	N/A
October 1 – December 31 third year of the reporting period	0	0

For purposes of this section, “N/A” means that there is no specifically stated requirement for the year of issuance or reactivation because the licensee would have to obtain the prorated CPE hours for the three (3) year reporting period. (*Indiana Board of Accountancy; 872 IAC 1-3-16; filed May 17, 1988, 3:15 p.m.: 11 IR 3570, eff Jul 1, 1988; errata, 11 IR 3922; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2351; filed Feb 24, 1997, 4:00 p.m.: 20 IR 1737; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3938; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Sep 7, 2004, 5:00 p.m.: 28 IR 211*)

LSA Document #04-5(F)

Notice of Intent Published: February 1, 2004; 27 IR 1616

Proposed Rule Published: April 1, 2004; 27 IR 2335

Hearing Held: May 21, 2004

Approved by Attorney General: August 24, 2004

Approved by Governor: September 3, 2004

Filed with Secretary of State: September 7, 2004, 5:00 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 872 INDIANA BOARD OF ACCOUNTANCY

LSA Document #04-5(F)

DIGEST

Amends 872 IAC 1-3-16 to revise the prorated continuing professional education requirement for the three year licensure period (reporting period) in progress at the time a certificate is issued or reactivated (either from having previously lapsed or from inactive status) during a reporting period in progress and to establish a prorated minimum continuing professional education requirement for individuals each year of the reporting period in progress when a certificate is issued or reactivated during a reporting period in progress. Effective 30 days after filing with the secretary of state.

872 IAC 1-3-16

SECTION 1. 872 IAC 1-3-16 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-3-16 Prorated continuing education requirements for holders of certificates granted during a reporting period

Authority: IC 25-2.1-2-15

Affected: IC 25-2.1-4-5

Sec. 16. The following table establishes the number of CPE

TITLE 872 INDIANA BOARD OF ACCOUNTANCY

LSA Document #04-41(F)

DIGEST

Amends 872 IAC 1-1-6.1 to establish that internships shall not be considered substantial duplication of college course content. Effective 30 days after filing with the secretary of state.

872 IAC 1-1-6.1

SECTION 1. 872 IAC 1-1-6.1 IS AMENDED TO READ AS FOLLOWS:

872 IAC 1-1-6.1 Educational requirements

Authority: IC 25-2.1-2-15

Affected: IC 25-2.1-3-2; IC 25-2.1-6

Sec. 6.1. (a) Compliance with IC 25-2.1-3-2, regarding educational requirements for first time examination applicants, will be met by obtaining at least one hundred fifty (150) semester hours of college education, including a baccalaureate or higher degree from an accredited college or university. As part of the one hundred fifty (150) semester hours, an applicant must meet any one (1) of the following conditions:

(1) Earned a graduate degree from a college or university that is accredited by an accrediting organization as included in section 6.3 of this rule and completed:

(A) at least twenty-four (24) semester hours in accounting at the undergraduate level or fifteen (15) semester hours in accounting at the graduate level; and

(B) at least twenty-four (24) semester hours in business administration and economics courses, other than accounting courses, at the undergraduate or graduate level.

The business administration courses may include up to six (6) hours of business and tax law courses and up to six (6) hours of computer science courses. The accounting hours must include courses covering the subjects of financial accounting, auditing, taxation, and managerial accounting. If the accounting hours are a mixture of graduate and undergraduate hours, the higher number of required hours applies.

(2) Earned a baccalaureate degree from a college or university that is accredited by an accrediting organization as included in section 6.3 of this rule and completed:

(A) at least twenty-four (24) semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial accounting, auditing, taxation, and managerial accounting; and

(B) at least twenty-four (24) semester hours in business administration and economics courses other than accounting courses.

The business administration courses may include up to six (6) hours of business and tax law courses and up to six (6) hours of computer science courses.

(b) College courses with substantial duplication of content

may be counted only one (1) time toward the requirements in IC 25-2.1-3-2 and this section. **This subsection shall not apply to internships.** (*Indiana Board of Accountancy; 872 IAC 1-1-6.1; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3933; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Aug 3, 2001, 4:34 p.m.: 24 IR 3989; filed Jul 30, 2003, 5:15 p.m.: 26 IR 3881; filed Sep 8, 2004, 2:45 p.m.: 28 IR 212*)

LSA Document #04-41(F)

Notice of Intent Published: March 1, 2004; 27 IR 1939

Proposed Rule Published: May 1, 2004; 27 IR 2574

Hearing Held: June 18, 2004

Approved by Attorney General: August 24, 2004

Approved by Governor: September 3, 2004

Filed with Secretary of State: September 8, 2004, 2:45 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

**TITLE 876 INDIANA REAL ESTATE
COMMISSION**

LSA Document #03-255(F)

DIGEST

Amends 876 IAC 3-2-7 to establish a fee for licensed and certified appraisers in an amount to fund the investigative fund established by IC 25-34.1-8-7.5. Effective October 1, 2004.

876 IAC 3-2-7

SECTION 1. 876 IAC 3-2-7, AS AMENDED AT 27 IR 2740, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-2-7 Fee schedule

Authority: IC 25-1-8-2; IC 25-34.1-3-8; IC 25-34.1-3-9

Affected: IC 25-34.1-8-7.5

Sec. 7. (a) This section establishes the fee schedule for the real estate appraiser licensure and certification program. The fees stated in subsection (b) apply to Indiana licensed trainee appraisers, Indiana licensed residential appraisers, Indiana certified residential appraisers, and Indiana certified general appraisers. However, the fee for licensed trainee appraisers under subsection (b)(2), (b)(3), (b)(5), ~~and (b)(6), and (b)(7)~~ shall be one hundred ~~ten~~ dollars ~~(\$100)~~; **(\$110) (including the ten dollars (\$10) for the investigative fund under IC 25-34.1-8-7.5)**, because there is not a requirement under federal law to transmit these amounts for licensed trainee appraisers.

(b) The fee schedule is as follows:

(1) Application for admittance to the examination \$100

(2) Fee for license or certificate (after passing the examination) during an even-numbered year (including fifty dollars (\$50) required by federal law to be transmitted to the federal

government **and ten dollars (\$10) for the investigative fund under IC 25-34.1-8-7.5)** ~~\$150~~ **\$160**

(3) Fee for license or certificate (after passing the examination) during an odd-numbered year (including twenty-five dollars (\$25) required by federal law to be transmitted to the federal government **and ten dollars (\$10) for the investigative fund under IC 25-34.1-8-7.5)** ~~\$125~~ **\$135**

(4) Application for licensure by reciprocity \$100

(5) Fee for license or certificate by reciprocity (after approval by the board) during an even-numbered year (including fifty dollars (\$50) required by federal law to be transmitted to the federal government **and ten dollars (\$10) for the investigative fund under IC 25-34.1-8-7.5)** ~~\$150~~ **\$160**

(6) Fee for license or certificate by reciprocity (after approval by the board) during an odd-numbered year (including twenty-five dollars (\$25) required by federal law to be transmitted to the federal government **and ten dollars (\$10) for the investigative fund under IC 25-34.1-8-7.5)** ~~\$125~~ **\$135**

(7) Application for the renewal of a license or certification (including fifty dollars (\$50) required by federal law to be transmitted to the federal government **and ten dollars (\$10) for the investigative fund under IC 25-34.1-8-7.5)** ~~\$150~~ **\$160**

(8) Duplicate license or certificate \$10

(9) Duplicate pocket card \$10

(10) Certification of license to another state \$10

(11) Application by a holder of an Indiana trainee appraiser license to be approved for a regular license \$25

(12) Application for the issuance of a permit for temporary practice \$150

(13) Fee for issuance and renewal of approvals for (prelicensure) real estate appraiser schools and courses under 876 IAC 3-4 \$500

(14) Fee for issuance and renewal of approval for real estate appraiser continuing education course providers under 876 IAC 3-5 \$250

(c) All fees are nonrefundable and nontransferable. (*Indiana Real Estate Commission; 876 IAC 3-2-7; filed Sep 24, 1992, 9:00 a.m.: 16 IR 737; filed Dec 8, 1993, 4:00 p.m.: 17 IR 772, eff Jan 2, 1994 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #93-130 was filed Dec 8, 1993.]; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2791; filed Jun 21, 1996, 10:00 a.m.: 19 IR 3111; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2697; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1107; filed Apr 26, 2004, 2:15 p.m.: 27 IR 2740; filed Aug 12, 2004, 10:12 a.m.: 28 IR 212, eff Oct 1, 2004*)

SECTION 2. SECTION 1 of this document takes effect October 1, 2004.

*LSA Document #03-255(F)
Notice of Intent Published: October 1, 2003; 27 IR 211
Proposed Rule Published: May 1, 2004; 27 IR 2574
Hearing Held: May 27, 2004*

Approved by Attorney General: July 27, 2004

Approved by Governor: August 11, 2004

*Filed with Secretary of State: August 12, 2004, 10:12 a.m.
IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #03-256(F)

DIGEST

Adds 876 IAC 2-18 to establish a fee for real estate brokers and salespersons in an amount necessary to fund the investigative fund established by IC 25-34.1-8-7.5. Effective October 1, 2004.

876 IAC 2-18

SECTION 1. 876 IAC 2-18 IS ADDED TO READ AS FOLLOWS:

Rule 18. Fee Schedule

876 IAC 2-18-1 Fee schedule

Authority: IC 25-1-8-2; IC 25-34.1-2-5; IC 25-34.1-2-6

Affected: IC 25-34.1-3-3.1; IC 25-34.1-3-4.1; IC 25-34.1-8-7.5

Sec. 1. In addition to the fees required under IC 25-34.1-3-3.1 and IC 25-34.1-3-4.1, the commission shall charge and collect the following fees, which shall be nonrefundable and nontransferable, for the investigative fund under IC 25-34.1-8-7.5 for the issuance and renewal of a:

- (1) Real estate salesperson license \$10**
- (2) Real estate broker license \$10**

(Indiana Real Estate Commission; 876 IAC 2-18-1; filed Aug 12, 2004, 10:12 a.m.: 28 IR 213, eff Oct 1, 2004)

SECTION 2. SECTION 1 of this document takes effect October 1, 2004.

LSA Document #03-256(F)

Notice of Intent Published: October 1, 2003; 27 IR 211

Proposed Rule Published: May 1, 2004; 27 IR 2575

Hearing Held: May 27, 2004

Approved by Attorney General: July 27, 2004

Approved by Governor: August 11, 2004

Filed with Secretary of State: August 12, 2004, 10:12 a.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-93(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #03-93(F), printed at 27 IR 2444:

- (1) In 312 IAC 25-4-102(f)(4), on page 9 of the original document (27 IR 2451), delete “312 IAC 15-6-139” and insert “312 IAC 25-6-139”.
- (2) In 312 IAC 25-4-102(f)(4), on page 9 of the original document (27 IR 2451), delete “312 IAC 15-6-143” and insert “312 IAC 25-6-143”.
- (3) In 312 IAC 25-4-114(d)(1)(C), on page 11 of the original document (27 IR 2453), delete “form” and insert “from”.
- (4) In 312 IAC 25-5-16(c)(4), on page 14 of the original document (27 IR 2456), delete both references to “subsection (f)” and insert “subsection (g)”.
- (5) 312 IAC 25-6-20(a)(9)(E), on page 19 of the original document (27 IR 2460), after “Technical Release No.”, insert “60”.
- (6) In 312 IAC 25-7-1(g)(1), on page 31 of the original document (27 IR 2469), delete “subject” and insert “submit”.

Filed with Secretary of State: September 8, 2004, 2:42 p.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-205(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #04-205(E), printed at 27 IR 4037:

- (1) In SECTION 1(b)(1), on page 1 of the original document (27 IR 4038), delete “IC 14-22-12-1(18)” and insert “IC 14-22-12-1(a)(18)”.
- (2) In SECTION 1(b)(1), on page 1 of the original document (27 IR 4038), delete “IC 14-22-12-1(19)” and insert “IC 14-22-12-1(a)(19)”.
- (3) In SECTION 1(b)(2), on page 1 of the original document (27 IR 4038), delete “IC 14-22-12-1(18)” and insert “IC 14-22-12-1(a)(18)”.
- (4) In SECTION 1(b)(2), on page 1 of the original document (27 IR 4038), delete “IC 14-22-12-1(19)” and insert “IC 14-22-12-1(a)(19)”.

Filed with Secretary of State: August 13, 2004, 3:48 p.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-245(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #04-245(E), printed at 28 IR 230:

- (1) In the DIGEST, on page 1 of the original document (28 IR 230), delete “#03-183(E)” and insert “#04-183(E)”.
- (2) In SECTION 1, on page 1 of the original document (28 IR 230), delete “#03-183(E)” and insert “#04-183(E)”.

Filed with Secretary of State: September 8, 2004, 2:40 p.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

NOTE: This change was incorporated into the printed version of LSA Document #04-245(E) and may be found at 28 IR 230, as corrected.

TITLE 327 WATER POLLUTION CONTROL BOARD

LSA Document #02-327(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling error in LSA Document #02-327(F), printed at 27 IR 1563:

- In 327 IAC 15-14-3(8), on page 3 of the original document (27 IR 1564), delete “, as defined in subdivision (3)” and insert “in subdivision (4)”.

Filed with Secretary of State: September 2, 2004, 11:05 a.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

TITLE 329 SOLID WASTE MANAGEMENT BOARD

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling error in the Indiana Administrative Code, 2004 edition:

- In 329 IAC 15-1-1(b)(7), delete “any” and insert “each”.

Filed with Secretary of State: September 8, 2004, 3:30 p.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

**TITLE 305 INDIANA BOARD OF LICENSURE FOR
PROFESSIONAL GEOLOGISTS**

LSA Document #03-212

Under IC 4-22-2-40, LSA Document #03-212, printed at 27 IR
216, is recalled.

TITLE 808 STATE BOXING COMMISSION

LSA Document #03-227

Under IC 4-22-2-40, LSA Document #03-227, printed at 27 IR
2566, is recalled.

Notice of Withdrawal

**TITLE 50 DEPARTMENT OF LOCAL
GOVERNMENT FINANCE**

LSA Document #02-343

Under IC 4-22-2-41, LSA Document #02-343, printed at 26
IR 1114, is withdrawn.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-232

Under IC 4-22-2-41, LSA Document #04-232, printed at 27
IR 4045, is withdrawn.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-237(E)

DIGEST

Amends 65 IAC 1-4-5.5 concerning contractor ethics restrictions. Effective August 16, 2004. NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. This document was filed with the secretary of state on August 17, 2004.

65 IAC 1-4-5.5

SECTION 1. 65 IAC 1-4-5.5, AS ADDED AT 27 IR 4035, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

65 IAC 1-4-5.5 Contractor ethics restrictions

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 5.5. Except as set forth in section 5 of this rule, contractors shall not offer or provide gifts, favors, services, entertainment, food, or drink to commission members, officers, or employees while seeking, obtaining, establishing, maintaining, or implementing a procurement or contract with the commission. In the event of a violation of this section, the commission may, in its sole discretion, terminate the contract. (State Lottery Commission; 65 IAC 1-4-5.5; emergency rule filed Jul 22, 2004, 11:05 a.m.: 27 IR 4035; emergency rule filed Aug 17, 2004, 10:25 a.m.: 28 IR 217, eff Aug 16, 2004 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #04-237(E) was filed with the secretary of state August 17, 2004.]

LSA Document #04-237(E)

Filed with Secretary of State: August 17, 2004, 10:25 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-238(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 723. Effective August 20, 2004.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 723, On a Roll".

SECTION 2. Scratch-off tickets in scratch-off game number 723 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 723 shall contain twelve (12) play symbols and play symbol captions all concealed under a large spot of latex material. The twelve (12) play symbols and play symbols [sic., symbol] captions shall be arranged in a matrix of four (4) rows

and three (3) columns. The rows shall be separate and independent games labeled "Roll 1", "Roll 2", "Roll 3", and "Roll 4", respectively. The columns shall be labeled "YOURS", "THEIRS", and "PRIZE", respectively.

(b) The play symbols and play symbol captions, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 2 TWO
(2) 3 THR
(3) 4 FOR
(4) 5 FIV
(5) 6 SIX
(6) 7 SVN
(7) 8 EGT
(8) 9 NIN
(9) 10 TEN
(10) 11 ELV
(11) 12 TLV

(c) The play symbols and play symbol captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00 ONE
(2) \$2.00 TWO
(3) \$3.00 THREE
(4) \$4.00 FOUR
(5) \$5.00 FIVE
(6) \$10.00 TEN
(7) \$20.00 TWENTY
(8) \$40.00 FORTY
(9) \$100 ONE HUN
(10) \$1,000 ONE THOU
(11) \$3,000 THR THOU

Emergency Rules

SECTION 4. The holder of a ticket in scratch-off game number 723 shall remove the latex material covering the twelve (12) play symbols and play symbol captions. If the play symbol and play symbol caption exposed in the "YOURS" column has a higher value than the play symbol and play symbol caption exposed in the "THEIRS" column, the holder is entitled to the corresponding prize amount for that game. The prize amounts and number of winners in scratch-off game number 723 are as follows:

Number of Winning Rows and Prize Play Symbol	Prize Amount	Approximate Number of Winners
1 – \$1.00	\$1	600,000
1 – \$2.00	\$2	200,000
2 – \$1.00	\$2	200,000
1 – \$4.00	\$4	60,000
4 – \$1.00	\$4	60,000
1 – \$5.00	\$5	20,000
1 – \$2.00 + 1 – \$3.00	\$5	20,000
1 – \$10.00	\$10	60,000
4 – \$5.00	\$20	10,000
1 – \$20.00	\$20	10,000
1 – \$40.00	\$40	3,000
4 – \$10.00	\$40	3,000
1 – \$100	\$100	2,000
1 – \$1,000	\$1,000	75
1 – \$3,000	\$3,000	12

SECTION 5. (a) There shall be approximately six million (6,000,000) scratch-off tickets initially available in scratch-off game number 723.

(b) The odds of winning a prize in scratch-off game number 723 are approximately 1 in 4.81.

(c) All reorders of tickets for scratch-off game number 723 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 723 is August 31, 2005.

SECTION 7. This document expires September 31, 2005.

LSA Document #04-238(E)

Filed with Secretary of State: August 17, 2004, 10:25 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-239(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 724. Effective August 20, 2004.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 724, Super Deuces".

SECTION 2. Scratch-off tickets in scratch-off game number 724 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 724 shall contain twenty (20) play symbols and, except for play symbols representing the number "2", play symbol captions in the game play data area all concealed under a large spot of latex material and shall be arranged in pairs representing playing cards and prize amounts.

(b) The play symbols and play symbol captions appearing in scratch-off game number 724, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

(1)	2 Black image deuce
(2)	2 Red image deuce
(3)	3 THR
(4)	4 FOR
(5)	5 FIV
(6)	6 SIX
(7)	7 SVN
(8)	8 EGT
(9)	9 NIN
(10)	10 TEN
(11)	J JCK
(12)	Q QUN
(13)	K KNG
(14)	A ACE

Emergency Rules

(c) The play symbols and play symbol captions representing prize amounts in scratch-off game number 724 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$3.00
THREE
- (4) \$4.00
FOUR
- (5) \$5.00
FIVE
- (6) \$10.00
TEN
- (7) \$20.00
TWENTY
- (8) \$25.00
TWY FIVE
- (9) \$40.00
FORTY
- (10) \$50.00
FIFTY
- (11) \$100
ONE HUN
- (12) \$400
FOUR HUN
- (13) \$1,000
ONE THOU
- (14) \$12,000
TWLV THOU

SECTION 4. The holder of a ticket in scratch-off game number 724 shall remove the latex material covering the twenty (20) play symbols and play symbol captions. If a play symbol representing a playing card with a black 2 is revealed, the holder is automatically entitled to the paired prize amount. If a play symbol representing a playing card with a red 2 is revealed, the holder is automatically entitled to double the prize amount. A player may win up to ten (10) times on a ticket. The number of matched play symbols, associated prize play symbols, total prize amounts, and approximate number of winners are as follows:

Number of Matched Play Symbols and Associated Prize	Total Prize Amount	Approximate Number of Winners
1 - \$2.00	\$2	300,000
1 - \$2.00 red 2	\$4	180,000
1 - \$4.00	\$4	60,000
1 - \$1.00 red 2 + 1 - \$3.00	\$5	45,000
1 - \$5.00	\$5	15,000
10 - \$1.00	\$10	7,500
1 - \$5.00 red 2	\$10	22,500

5 - \$1.00 + 1 - \$5.00	\$10	7,500
1 - \$10.00	\$10	7,500
10 - \$2.00	\$20	3,750
1 - \$5.00 red 2 + 1 - \$10.00	\$20	7,500
1 - \$20.00	\$20	3,750
10 - \$4.00	\$40	2,500
1 - \$10.00 red 2 + 2 - \$10.00	\$40	3,750
1 - \$40.00	\$40	2,500
10 - \$10.00	\$100	1,000
5 - \$20.00	\$100	1,000
1 - \$50.00 red 2	\$100	1,500
1 - \$100	\$100	1,000
8 - \$4.00 + 1 - \$40.00 red 2	\$400	250
1 - \$400	\$400	250
4 - \$25.00 + 6 - \$50	\$400	250
10 - \$100	\$1,000	75
1 - \$1,000	\$1,000	50
1 - \$12,000	\$12,000	6

SECTION 5. (a) There shall be approximately three million (3,000,000) scratch-off tickets initially available in scratch-off game number 724.

(b) The odds of winning a prize in scratch-off game number 724 are approximately 1 in 4.45.

(c) All reorders of tickets for scratch-off game number 724 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 724 is August 31, 2005.

SECTION 7. This document shall expire September 30, 2005.

LSA Document #04-239(E)

Filed with Secretary of State: August 17, 2004, 10:25 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-240(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 725. Effective August 20, 2004.

SECTION 1. The name of this scratch-off game is

Emergency Rules

“Scratch-Off Game Number 725, Jumbo Bucks”.

SECTION 2. Scratch-off tickets in scratch-off game number 725 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 725 shall contain eighteen (18) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Two (2) play symbols and play symbol captions shall appear in the area labeled “WINNING NUMBERS”. Sixteen (16) play symbols and play symbol captions shall appear in the areas labeled “YOUR NUMBERS” and be arranged in pairs representing numbers and prize amounts.

(b) The play symbols and play symbol captions in scratch-off game number 725, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN
- (10) 10
TEN
- (11) 11
ELVN
- (12) 12
TWLV
- (13) 13
THRTN
- (14) 14
FORTN
- (15) 15
FIFTN
- (16) 16
SIXTN
- (17) 17
SVNTN
- (18) 18
EGHTN

- (19) 19
NINTN
- (20) 20
TWTY
- (c) The play symbols and play symbol captions representing prize amounts in scratch-off game number 725 shall consist of the following possible play symbols and play symbol captions:
 - (1) \$1.00
ONE
 - (2) \$2.00
TWO
 - (3) \$3.00
THREE
 - (4) \$4.00
FOUR
 - (5) \$5.00
FIVE
 - (6) \$10.00
TEN
 - (7) \$20.00
TWENTY
 - (8) \$40.00
FORTY
 - (9) \$50.00
FIFTY
 - (10) \$100
ONE HUN
 - (11) \$400
FOR HUN
 - (12) \$1,000
ONE THOU
 - (13) \$15,000
FTN THOU

SECTION 4. The holder of a ticket in scratch-off game number 725 shall remove the latex material covering the eighteen (18) play symbols and play symbol captions. If one (1) or more of “YOUR NUMBERS” match either of the “WINNING NUMBERS”, the holder is entitled to the paired prize amount. A player may win up to eight (8) times on a ticket. The number of matches, prize play symbols, prize amounts, and number of winners in scratch-off game number 725 are as follows:

Number of Matches and Matched Play Symbols	Total Prize Amount	Approximate Number of Winners
1 – \$2.00	\$2	300,000
4 – \$1.00	\$4	120,000 <i>[sic.]</i>
1 – \$4.00	\$4	120,000
1 – \$2.00 + 1 – \$3.00	\$5	30,000
1 – \$5.00	\$5	30,000
7 – \$1.00 + 1 – \$3.00	\$10	15,000
2 – \$5.00	\$10	15,000
5 – \$1.00 + 1 – \$5.00	\$10	7,500
1 – \$10.00	\$10	7,500

6 – \$2.00 + 2 – \$4.00	\$20	7,500
5 – \$4.00	\$20	3,750
1 – \$20.00	\$20	3,750
8 – \$5.00	\$40	3,750
4 – \$5.00 + 1 – \$20.00	\$40	2,500
1 – \$40.00	\$40	2,500
6 – \$10.00 + 2 – \$20.00	\$100	1,125
5 – \$20.00	\$100	1,125
2 – \$50.00	\$100	1,125
1 – \$100	\$100	1,125
4 – \$100	\$400	250
1 – \$400	\$400	250
8 – \$50	\$400	250
2 – \$50 + 5 \$100 + 1 – \$400	\$1,000	75
1 – \$1,000	\$1,000	50
1 – \$15,000	\$15,000	5

SECTION 5. (a) There shall be approximately three million (3,000,000) scratch-off tickets initially available in scratch-off game number 725.

(b) The odds of winning a prize in scratch-off game number 725 are approximately 1 in 4.45.

(c) All reorders of tickets for scratch-off game number 725 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 725 is August 31, 2005.

SECTION 7. This document expires September 30, 2005.

LSA Document #04-240(E)

Filed with Secretary of State: August 17, 2004, 10:25 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-241(E)

DIGEST

Adds 65 IAC 4-348 concerning scratch-off game number 726. Effective August 20, 2004.

65 IAC 4-348

SECTION 1. 65 IAC 4-348 IS ADDED TO READ AS FOLLOWS:

Rule 348. Scratch-Off Game 726

65 IAC 4-348-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 1. The name of this scratch-off game is “Scratch-Off Game Number 726, \$100,000 Payday”. (State Lottery Commission; 65 IAC 4-348-1; emergency rule filed Aug 17, 2004, 10:25 a.m.: 28 IR 221, eff Aug 20, 2004)

65 IAC 4-348-2 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 2. Scratch-off tickets for scratch-off game number 726 shall sell for five dollars (\$5) per ticket. (State Lottery Commission; 65 IAC 4-348-2; emergency rule filed Aug 17, 2004, 10:25 a.m.: 28 IR 221, eff Aug 20, 2004)

65 IAC 4-348-3 Play symbols

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 3. (a) Each scratch-off ticket in scratch-off game number 726 shall contain twenty-seven (27) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Three (3) play symbols and play symbol captions shall appear in the area labeled “WINNING NUMBERS”. Twenty-four (24) play symbols and play symbol captions shall appear in the area labeled “YOUR NUMBERS” arranged in pairs representing numbers or pictures and prize amounts.

(b) The play symbols and play symbol captions in scratch-off game number 726, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN
- (10) 10
TEN
- (11) 11

Emergency Rules

- ELV
- (12) 12
- TLV
- (13) 13
- TRN
- (14) 14
- FRN
- (15) 15
- FTN
- (16) 16
- SXT
- (17) 17
- SVT
- (18) 18
- ETN
- (19) 19
- NTN
- (20) 20
- TWY
- (21) 21
- TTO
- (22) 22
- TTT
- (23) 23
- TTR
- (24) 24
- TWF
- (25) 25
- TWV
- (26) 26
- TWS
- (27) 27
- TSN
- (28) 28
- TWE
- (29) 29
- TWN
- (30) A picture of a coin
- WIN
- (31) A picture of a stack of money
- DOUBLE

(c) The play symbols and play symbol captions representing prize amounts in scratch-off game number 726 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
- ONE
- (2) \$2.00
- TWO
- (3) \$3.00
- THREE
- (4) \$5.00
- FIVE
- (5) \$10.00

- TEN
- (6) \$15.00
- FIFTEEN
- (7) \$20.00
- TWENTY
- (8) \$25.00
- TWY FIVE
- (9) \$40.00
- FORTY
- (10) \$50.00
- FIFTY
- (11) \$100
- ONE HUN
- (12) \$500
- FIVE HUN
- (13) \$1,000
- ONE THOU
- (14) \$4,000
- FOR THOU
- (15) \$10,000
- TEN THOU
- (16) \$100,000
- ONE HUN THOU

(State Lottery Commission; 65 IAC 4-348-3; emergency rule filed Aug 17, 2004, 10:25 a.m.: 28 IR 221, eff Aug 20, 2004)

65 IAC 4-348-4 How to play

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 4. The holder of a scratch-off ticket for scratch-off game 726 shall remove the latex material covering the twenty-seven (27) play symbols and play symbol captions. If any of "YOUR NUMBERS" match any of the "WINNING NUMBERS", the holder is entitled to the paired prize amount. If the play symbol of a coin is exposed, the holder is automatically entitled to the paired prize amount. If the play symbol "\$\$" is exposed, the holder is automatically entitled to double the paired prize amount. *(State Lottery Commission; 65 IAC 4-348-4; emergency rule filed Aug 17, 2004, 10:25 a.m.: 28 IR 222, eff Aug 20, 2004)*

65 IAC 4-348-5 Number of prizes

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 5. The prize amounts and number of winners in scratch-off game number 726 are as follows:

Number of Matches and Paired Prize Amount Play Symbols	Total Prize Amount	Approximate Number of Winners
1 – \$1.00 with \$\$ + 1 – \$3.00	\$5	240,000
1 – \$5.00	\$5	120,000
10 – \$1.00	\$10	60,000
5 – \$2.00	\$10	60,000
1 – \$5.00 with \$\$	\$10	150,000

Emergency Rules

1 – \$5.00 + 1 \$10.00 with coin	\$15	15,000
1 – \$15.00	\$15	15,000
1 – \$20.00	\$20	7,500
10 – \$1.00 + 2 – \$5.00	\$20	15,000
4 – \$5.00	\$20	7,500
1 – \$10.00 with \$\$	\$20	30,000
2 – \$5.00 + 3 – \$10.00	\$40	7,500
6 – \$5.00 + 1 – \$10.00 with coin	\$40	7,500
1 – \$40.00	\$40	6,250
1 – \$25.00 with \$\$	\$50	1,500
10 – \$3.00 + 2 – \$10.00	\$50	1,500
10 – \$5.00	\$50	1,500
8 – \$5.00 + 1 – \$10.00 with coin	\$50	1,500
1 – \$50.00	\$50	1,150
1 – \$50.00 with \$\$	\$100	2,000
4 – \$5.00 + 8 – \$10.00	\$100	2,000
2 – \$25.00 + 1 – \$50.00 with coin	\$100	1,750
10 – \$5.00 + 2 – \$25.00	\$100	1,750
1 – \$100	\$100	1,750
10 – \$40.00 + 1 – \$25.00 with \$\$ + 1 – \$50	\$500	500
1 – \$500	\$500	375
5 – \$100 + 1 – \$500 with coin	\$1,000	150
1 – \$1,000	\$1,000	150
1 – \$4,000	\$4,000	10
8 – \$500	\$4,000	10
2 – \$1,000 + 1 – \$4,000 with \$\$	\$10,000	10
1 – \$10,000	\$10,000	10
1 – \$100,000	\$100,000	12

(State Lottery Commission; 65 IAC 4-348-5; emergency rule filed Aug 17, 2004, 10:25 a.m.: 28 IR 222, eff Aug 20, 2004)

65 IAC 4-348-6 Number of tickets; odds; reorders

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 6. (a) A total of approximately three million (3,000,000) scratch-off tickets will be initially available for scratch-off game number 726.

(b) The odds of winning a prize with a scratch-off ticket in scratch-off game number 726 are approximately 1 in 3.95.

(c) All reorders of tickets for scratch-off game number 726 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order. (State Lottery Commission; 65 IAC 4-348-6; emergency rule filed Aug 17, 2004, 10:25 a.m.: 28 IR 223, eff Aug 20, 2004)

65 IAC 4-348-7 Last day to claim prizes

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 7. Players will have up to sixty (60) days from the end of scratch-off game 726 within which to claim their prizes. Game end dates are available on the commission's Web site at www.hoosierlottery.com or may be obtained through the commission's toll-free customer service number or from any scratch-off ticket retailer. (State Lottery Commission; 65 IAC 4-348-7; emergency rule filed Aug 17, 2004, 10:25 a.m.: 28 IR 223, eff Aug 20, 2004)

SECTION 2. SECTION 1 of this document takes effect August 20, 2004.

LSA Document #04-241(E)

Filed with Secretary of State: August 17, 2004, 10:25 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-242(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 727. Effective Septemeber 24, 2004.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 727, Give Me 5".

SECTION 2. Scratch-off tickets in scratch-off game number 727 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 727 shall contain nine (9) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. The play symbols and play symbol captions shall appear in the area labeled "PLAY AREA" and shall contain play symbols representing numbers arranged in three (3) rows and three (3) columns. Each row, column, and diagonal shall be labeled with a prize amount.

(b) The play symbols and play symbol captions in scratch-off game number 727, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV

Emergency Rules

- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN

SECTION 4. The holder of a ticket in scratch-off game number 727 shall remove the latex material covering the nine (9) play symbols and play symbol captions. If the play symbol and play symbol caption associated with the number five (5) is exposed three (3) times in a row, column, or diagonal, in the "PLAY AREA", the holder is entitled to the corresponding prize amount. The number of fives (5s), prize amounts, and number of winners in scratch-off game number 727 are as follows:

Number of 5s and Paired Prize Amounts	Total Prize Amount	Approximate Number of Winners
3 – 5s in the first column	\$1	504,000
3 – 5s in the last row	\$2	336,000
3 – 5s in the middle row	\$5	126,000
3 – 5s in the middle column	\$15	42,000
3 – 5s in the left diagonal	\$25	16,800
3 – 5s in the last column	\$55	1,365
3 – 5s in the first row	\$555	105
3 – 5s in the right diagonal	\$5,555	10

SECTION 5. (a) There shall be approximately five million (5,000,000) scratch-off tickets initially available in scratch-off game number 727.

(b) The odds of winning a prize in scratch-off game number 727 are approximately 1 in 4.91.

(c) All reorders of tickets for scratch-off game number 727 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 727 is September 30, 2005.

SECTION 7. This document expires October 31, 2005.

LSA Document #04-242(E)

Filed with Secretary of State: August 17, 2004, 10:25 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-243(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 728. Effective September 24, 2004.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 728, Bonus Blackjack".

SECTION 2. Scratch-off tickets in scratch-off game number 728 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 728 shall contain thirty-two (32) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. The play symbols and play symbol captions shall be arranged in eight (8) rows and four (4) columns. The rows shall be separate and independent games labeled "HAND 1", "HAND 2", "HAND 3", "HAND 4", "HAND 5", "HAND 6", "HAND 7", and "HAND 8", respectively. The first column shall be labeled "DEALER'S TOTAL" and shall contain play symbols and play symbol captions representing numbers. The second column shall be labeled "YOUR CARDS" and shall contain play symbols and play symbol captions representing playing cards. The third column shall be labeled "PRIZE" and shall contain play symbols and play symbol captions representing prize amounts.

(b) The play symbols and play symbol captions, other than *[sic., than]* those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

(1)	2 TWO
(2)	3 THR
(3)	4 FOR
(4)	5 FIV
(5)	6 SIX
(6)	7 SVN
(7)	8 EGT
(8)	9 NIN
(9)	10 TEN

Emergency Rules

- (10)

J
JCK
- (11)

Q
QUN
- (12)

K
KNG
- (13)

A
ACE
- (14) 16
SIXTN
- (15) 17
SEVTN
- (16) 18
EGHTN
- (17) 19
NINTN
- (18) 20
TWNTY

scratch-off game number 728 shall remove the latex material covering the thirty-two (32) play symbols and play symbol captions. If the play symbols and play symbol captions exposed in the "YOUR CARDS" column has a higher total value than the play symbol and play symbol caption exposed in the "DEALER'S TOTAL" column, the holder is entitled to the corresponding prize amount for that row. If the play symbols and play symbol captions representing cards are [sic.] exposed in the "YOURS [sic., YOUR] CARDS" column total twenty-one (21), the holder is automatically is [sic.] entitled to all eight (8) prizes. Play symbols and play symbol captions representing playing cards are valued in descending order with aces as the high cards, and face cards are valued at ten (10).

(b) The number of winning plays and the associated prize amount play symbols, total prize amounts, and approximate number of winners in scratch-off game number 728 are as follows:

(c) The play symbols and play symbol captions of prize amounts shall consist of the following possible play symbols and play symbol captions:

Number of Winning Hands and Play Symbols	Total Prize Amount	Approximate Number of Winners
1 – \$2.00	\$2	300,000
4 – \$1.00	\$4	150,000
1 – \$4.00	\$4	90,000
5 – \$1.00	\$5	30,000
1 – \$5.00	\$5	30,000
6 – \$1.00 + 2 – \$2.00 with "21"	\$10	30,000
2 – \$5.00	\$10	3,750
5 – \$1.00 + 1 – \$5.00	\$10	3,750
1 – \$10.00	\$10	7,500
2 – \$1.00 + 6 – \$3.00 with "21"	\$20	15,000
4 – \$5.00	\$20	3,750
1 – \$20.00	\$20	3,750
8 – \$5.00 with "21"	\$40	5,000
4 – \$10.00	\$40	2,500
1 – \$40.00	\$40	2,500
4 – \$5.00 + 4 – \$20.00 with "21"	\$100	1,500
5 – \$20.00	\$100	750
2 – \$25.00 + 1 – \$50.00	\$100	750
1 – \$100	\$100	750
4 – \$25.00 + 2 – \$50.00 + 2 – \$100 with "21"	\$400	250
1 – \$400	\$400	125
1 – \$1,000	\$1,000	50
4 – \$50.00 + 2 – \$400	\$1,000	50
1 – \$10,000	\$10,000	3
1 – \$21,000	\$21,000	4

SECTION 4. (a) The holder of a scratch-off ticket in

Emergency Rules

SECTION 5. (a) There shall be approximately three million (3,000,000) scratch-off tickets initially available in scratch-off game number 728.

(b) The odds of winning a prize in scratch-off game number 728 are approximately 1 in 4.40.

(c) All reorders of tickets for scratch-off game number 728 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 728 is September 30, 2005.

SECTION 7. This document expires on October 31, 2005.

LSA Document #04-243(E)

Filed with Secretary of State: August 17, 2004, 10:25 a.m.

- (4) \$5.00
FIVE
- (5) \$10.00
TEN
- (6) \$20.00
TWENTY
- (7) \$40.00
FORTY
- (8) \$50.00
FIFTY
- (9) \$100
ONE HUN
- (10) \$500
FIVE HUN
- (11) \$1,000
ONE THOU
- (12) \$2,000
TWO THOU
- (13) \$4,000
FOR THOU
- (14) OO
TRY AGAIN
- (15) 2X
DOUBLE

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-244(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 730. Effective September 24, 2004.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 730, In The Bank".

SECTION 2. Scratch-off tickets in scratch-off game number 730 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 730 shall contain nine (9) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. One (1) play symbol and play symbol caption shall be concealed under the "Bonus Box".

(b) The play symbols and play symbol captions in scratch-off game number 730 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$4.00
FOUR

SECTION 4. The holder of a ticket in scratch-off game number 730 shall remove the latex material covering the nine (9) play symbols and play symbol captions. If three (3) matching play symbols and play symbol captions are exposed, the holder is entitled to a prize of the matched amount. If the play symbol and play symbol caption "2X" is exposed in the Bonus Box, the holder is automatically entitled to double the matched prize amount. The prize amounts and number of winners in scratch-off game number 730 are as follows:

Matched Play Symbols	Prize Amount	Approximate Number of Winners
3 – \$1.00	\$1	504,000
3 – \$1.00 with 2X	\$2	252,000
3 – \$2.00	\$2	84,000
3 – \$2.00 with 2X	\$4	67,200
3 – \$4.00	\$4	33,600
3 – \$5.00	\$5	33,600
3 – \$5.00 with 2X	\$10	33,600
3 – \$10.00	\$10	16,800
3 – \$10.00 with 2X	\$20	12,600
3 – \$20.00	\$20	4,200
3 – \$20.00 with 2X	\$40	2,940
3 – \$40.00	\$40	2,100
3 – \$50 with 2X	\$100	840
3 – \$100	\$100	630
3 – \$500 with 2X	\$1,000	42

Emergency Rules

3 – \$1,000	\$1,000	21
3 – \$2,000 with 2X	\$4,000	4
3 – \$4,000	\$4,000	4

SECTION 5. (a) There shall be approximately five million (5,000,000) scratch-off tickets initially available in scratch-off game number 730.

(b) The odds of winning a prize in scratch-off game number 730 are approximately 1 in 4.81.

(c) All reorders of tickets for scratch-off game number 730 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 730 is September 30, 2005.

SECTION 7. This document shall expire October 30, 2005.

LSA Document #04-244(E)

Filed with Secretary of State: August 17, 2004, 10:25 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-249(E)

DIGEST

Repeals LSA documents #02-220(E), #02-221(E), #02-223(E), #02-224(E), #02-283(E), #02-284(E), #02-285(E), #02-286(E), #02-354(E), #02-355(E), #02-356(E), #03-83(E), #03-84(E), #03-105(E), #03-106(E), #03-107(E), #03-114(E), #03-142(E), #03-287(E), and 65 IAC 4-90, 65 IAC 4-99, 65 IAC 4-205, 65 IAC 4-248, 65 IAC 4-272, 65 IAC 4-287, 65 IAC 4-317, 65 IAC 4-319, 65 IAC 4-321, 65 IAC 4-332, 65 IAC 4-343, 65 IAC 4-354, 65 IAC 4-359, 65 IAC 4-367, 65 IAC 4-383, 65 IAC 4-390, 65 IAC 4-401, 65 IAC 4-402, 65 IAC 4-403, 65 IAC 4-404, 65 IAC 4-405, 65 IAC 4-406, 65 IAC 4-408, 65 IAC 4-437, 65 IAC 4-439, 65 IAC 4-440, 65 IAC 4-441, 65 IAC 4-442, 65 IAC 4-443, 65 IAC 4-445, 65 IAC 4-446, 65 IAC 4-447, 65 IAC 4-448, 65 IAC 4-450, 65 IAC 4-453, 65 IAC 5-13, 65 IAC 5-14, and 65 IAC 5-15. Effective September 8, 2004.

SECTION 1. THE FOLLOWING ARE REPEALED: LSA Document #02-220(E); LSA Document #02-221(E); LSA Document #02-223(E); LSA Document #02-224(E); LSA Document #02-283(E); LSA Document #02-284(E); LSA Document #02-285(E); LSA Document #02-286(E); LSA

Document #02-354(E); LSA Document #02-355(E); LSA Document #02-356(E); LSA Document #03-83(E); LSA Document #03-84(E); LSA Document #03-105(E); LSA Document #03-106(E); LSA Document #03-107(E); LSA Document #03-114(E); LSA Document #03-142(E); LSA Document #03-287(E); 65 IAC 4-90; 65 IAC 4-99; 65 IAC 4-205; 65 IAC 4-248; 65 IAC 4-272; 65 IAC 4-287; 65 IAC 4-317; 65 IAC 4-319; 65 IAC 4-321; 65 IAC 4-332; 65 IAC 4-343; 65 IAC 4-354; 65 IAC 4-359; 65 IAC 4-367; 65 IAC 4-383; 65 IAC 4-390; 65 IAC 4-401; 65 IAC 4-402; 65 IAC 4-403; 65 IAC 4-404; 65 IAC 4-405; 65 IAC 4-406; 65 IAC 4-408; 65 IAC 4-437; 65 IAC 4-439; 65 IAC 4-440; 65 IAC 4-441; 65 IAC 4-442; 65 IAC 4-443; 65 IAC 4-445; 65 IAC 4-446; 65 IAC 4-447; 65 IAC 4-448; 65 IAC 4-450; 65 IAC 4-453; 65 IAC 5-13; 65 IAC 5-14; 65 IAC 5-15.

LSA Document #04-249(E)

Filed with Secretary of State: September 8, 2004, 10:10 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-250(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 020. Effective September 9, 2004.

SECTION 1. The name of this pull-tab game is “Pull-Tab Game Number 020, Bingo Divas”.

SECTION 2. Pull-tab tickets for pull-tab game number 020 shall sell for fifty cents (\$0.50) per ticket.

SECTION 3. Pull-tab game number 020 is a criss-cross game.

SECTION 4. A pull-tab ticket in pull-tab game number 020 shall contain fifteen (15) play symbols and play symbol captions arranged in a matrix of five (5) rows and three (3) columns. Each row shall be covered by a tab. The play symbols and play symbol captions in pull-tab game number 020 shall consist of the following possible play symbols:

- (1) A picture of a woman
ARENA
- (2) A picture of a woman
SHAWNA
- (3) A picture of a woman
WHINEY
- (4) A picture of a woman
SHAR
- (5) A picture of a woman
HOPE
- (6) A picture of a woman
HOPE

Emergency Rules

- (7) A picture of a woman
PARIAH
- (8) A picture of a woman
C-LEAN
- (9) A picture of a man
L-TON

SECTION 5. A row, column, or diagonal on a pull-tab ticket in pull-tab game number 020 which contains three (3) identical play symbols of "ARENA", "SHAWNA", "WHINEY", "SHAR", or "HOPE" is not a criss-cross winning combination unless all of the following are true:

- (1) The play symbols and play symbol captions in the line are consistent with those specified in SECTION 4 of this document.
- (2) The three (3) play symbols and play symbol captions in the line are bisected by a blue arrow.
- (3) The prize amount appears on the left side of the line in red ink on a yellow box.

SECTION 6. Subject to SECTION 5 of this document, the holder of a valid pull-tab ticket for pull-tab game number 020 containing a criss-cross winning combination is entitled to a prize amount and the approximate numbers of which are as follows:

Matching Play Symbol in Criss-Cross Winning Combination	Prize Amount	Approximate Number of Prizes
3 HOPE	\$.50	241,110
3 SHAR	\$1	34,827
3 WHINEY	\$3	13,395
3 SHAWNA	\$10	5,358
3 ARENA	\$125	2,679

SECTION 7. A total of approximately one million eight hundred thousand (1,800,000) pull-tab tickets will be initially available for pull-tab game number 020. The odds of winning a prize in pull-tab game 020 are approximately 1 in 6.05. If additional pull-tab tickets are made available for this pull-tab game, the approximate number of each prize shall increase proportionally.

SECTION 8. The last day to claim prizes in pull-tab game number 020 shall be sixty (60) days after the end of the game. Game end dates are available on the commission's Web site at www.hoosierlottery.com or may be obtained through the commission's toll-free customer service number or from any pull-tab ticket retailer.

*LSA Document #04-250(E)
Filed with Secretary of State: September 8, 2004, 10:10 a.m.*

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-251(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 021. Effective September 9, 2004.

SECTION 1. The name of this pull-tab game is "Pull-Tab Game Number 021, Cherry Bucket".

SECTION 2. Pull-tab tickets for pull-tab game number 021 shall sell for twenty-five cents (\$0.25) per ticket.

SECTION 3. Pull-tab game number 021 is a match 3 game.

SECTION 4. A pull-tab ticket in pull-tab game number 021 shall contain nine (9) play symbols and play symbol captions arranged in a matrix of three (3) rows and three (3) columns. Each row shall be covered by a tab. The play symbols and play symbol captions in pull-tab game number 021 shall consist of the following possible play symbols:

- (1) A picture of a cherry
CHERRY
- (2) A picture of an apple
APPLE
- (3) A picture of a peach
PEACH
- (4) A picture of a plum
PLUM
- (5) A picture of a lemon
LEMON
- (6) A picture of a lime
LIME
- (7) A picture of grapes
GRAPES

SECTION 5. A row on a pull-tab ticket in pull-tab game number 021 which contains three (3) identical play symbols is not a match 3 winning row unless all of the following are true:

- (1) The play symbols and play symbol captions in the row are consistent with those specified in SECTION 4 of this document.
- (2) The three (3) play symbols and play symbol captions in the row are bisected by a black arrow.
- (3) The prize amount appears on the left side of the row in red ink on a yellow box.

SECTION 6. Subject to SECTION 5 of this document, the holder of a valid pull-tab ticket for pull-tab game number 021 containing a match 3 winning row is entitled to a prize amount the approximate numbers of which are as follows:

Matching Play Symbol in Match 3 Winning Row	Prize Amount	Approximate Number of Prizes
3 plum	\$0.50	427,548
3 peach	\$1	36,498
3 apple	\$5	10,428
3 cherry	\$50	5,214

SECTION 7. A total of approximately three million five hundred thousand (3,500,000) pull-tab tickets will be initially available for pull-tab game number 021. The odds of winning a prize in pull-tab game 021 are approximately 1 in 7.30. If additional pull-tab tickets are made available for this pull-tab game, the approximate number of each prize shall increase proportionally.

SECTION 8. The last day to claim prizes in pull-tab game number 021 shall be sixty (60) days after the end of the game. Game end dates are available on the commission's Web site at www.hoosierlottery.com or may be obtained through the commission's toll-free customer service number or from any pull-tab ticket retailer.

*LSA Document #04-251(E)
Filed with Secretary of State: September 8, 2004, 10:15 a.m.*

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-252(E)

DIGEST

Adds 65 IAC 4-350 concerning scratch-off game number 729. Effective September 24, 2004.

65 IAC 4-350

SECTION 1. 65 IAC 4-350 IS ADDED TO READ AS FOLLOWS:

Rule 350. Scratch-Off Game Number 729

65 IAC 4-350-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 1. The name of this scratch-off game is "Scratch-Off Game Number 729, Animal Crossword". (*State Lottery Commission; 65 IAC 4-350-1; emergency rule filed Sep 8, 2004, 10:15 a.m.: 28 IR 229, eff Sep 24, 2004*)

65 IAC 4-350-2 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 2. Scratch-off tickets in scratch-off game number 729

shall sell for two dollars (\$2) per ticket. (*State Lottery Commission; 65 IAC 4-350-2; emergency rule filed Sep 8, 2004, 10:15 a.m.: 28 IR 229, eff Sep 24, 2004*)

65 IAC 4-350-3 Play symbols and play symbol captions

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 3. (a) Each scratch-off ticket in scratch-off game number 729 shall contain eighteen (18) play symbols in the game play data area all concealed under a large spot of latex material. A large box on the left side of each ticket shall contain a crossword grid filled in with a random array of alphabetic letters. A chart labeled "PRIZE LEGEND" shall appear to the right of the crossword grid and shall contain a table setting forth prize requirements and amounts. A box labeled "YOUR LETTERS" shall appear above the crossword grid and shall contain eighteen (18) play symbols representing alphabetic letters.

(b) The possible play symbols appearing in the box labeled "YOUR LETTERS" shall be randomly selected from the twenty-six (26) letters of the English alphabet. Each such letter shall be expressed as a capital letter. (*State Lottery Commission; 65 IAC 4-350-3; emergency rule filed Sep 8, 2004, 10:15 a.m.: 28 IR 229, eff Sep 24, 2004*)

65 IAC 4-350-4 How to play; determination of prize winners

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 4. (a) The holder of a ticket in scratch-off game number 729 shall remove the latex material covering the eighteen (18) play symbols in the "YOUR LETTERS" box. The holder must then remove the latex material from all letters on the crossword grid that match those exposed in the "YOUR LETTERS" box and determine whether the newly exposed letters form words. If at least four (4) words are formed from the newly exposed letters, the holder is entitled to the prize identified on the "PRIZE LEGEND".

(b) In scratch-off game number 729, letters combined to form words on the crossword grid must appear in an unbroken horizontal or vertical sequence. For purposes of this document, a word must contain at least two (2) letters. Words cannot be formed by linking letters diagonally or reading right to left or bottom to top.

(c) If four (4) or more words are formed, the holder is entitled only to the highest prize identified on the "PRIZE LEGEND" chart. Prizes are not cumulative.

(d) Prizes shall be available to holders of winning tickets in scratch-off game number 729 in accordance with the following:

Emergency Rules

Number of Words	Prize Amount	Approximate Number of Winners
4 words	\$2	360,000
5 words	\$5	210,000
6 words	\$10	60,000
7 words	\$25	15,000
8 words	\$50	7,500
9 words	\$100	6,500
10 words	\$1,000	100
11 words	\$20,000	6

(State Lottery Commission; 65 IAC 4-350-4; emergency rule filed Sep 8, 2004, 10:15 a.m.: 28 IR 229, eff Sep 24, 2004)

65 IAC 4-350-5 Number of tickets; odds; reorders

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 5. (a) There shall be approximately three million (3,000,000) scratch-off tickets initially available in scratch-off game number 729.

(b) The odds of winning a prize in scratch-off game number 729 are approximately 1 in 4.55.

(c) All reorders of tickets for scratch-off game number 729 shall have the same:

- (1) prize structure;**
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and**
- (3) odds;**

as contained in the initial order. *(State Lottery Commission; 65 IAC 4-350-5; emergency rule filed Sep 8, 2004, 10:15 a.m.: 28 IR 230, eff Sep 24, 2004)*

65 IAC 4-350-6 Last claim date

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 6. Players will have up to sixty (60) days from the end of scratch-off game number 729 within which to claim their prizes. Game end dates are available on the commission's Web site at www.hoosierlottery.com or may be obtained through the commission's toll-free customer service number or from any scratch-off ticket retailer. *(State Lottery Commission; 65 IAC 4-350-6; emergency rule filed Sep 8, 2004, 10:15 a.m.: 28 IR 230, eff Sep 24, 2004)*

SECTION 2. SECTION 1 of this document takes effect September 24, 2004.

LSA Document #04-252(E)

Filed with Secretary of State: September 8, 2004, 10:15 a.m.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-245(E)

DIGEST

With final adoption and approval in LSA Document #03-215(F) of amendments to 312 IAC 10-5, which governs general licenses within floodways, LSA Document #04-183(E), which governs the regulation of qualified activities under the Flood Control Act, as a temporary rule, is repealed. Effective September 1, 2004.

SECTION 1. LSA Document #04-183(E) IS REPEALED.

SECTION 2. SECTION 1 [of this document] is effective September 1, 2004.

LSA Document #04-245(E)

Filed with Secretary of State: August 18, 2004, 4:10 p.m.: errata filed Sep 8, 2004, 2:40 p.m.: 28 IR 214

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-247(E)

DIGEST

With final adoption and approval in LSA Document #03-316(F) of new 312 IAC 5-12.5 to address the boat excise tax, LSA Document #04-153(E) that allowed for excise tax decals to be placed on the mast or boom of a qualified sailboat, as a temporary rule, is repealed. Effective August 31, 2004.

SECTION 1. LSA Document #04-153(E) IS REPEALED.

LSA Document #04-247(E)

Filed with Secretary of State: August 31, 2004, 9:30 a.m.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #04-246(E)

DIGEST

Temporarily amends 405 IAC 6-2-5, 405 IAC 6-3-3, 405 IAC 6-4-2, 405 IAC 6-4-3, 405 IAC 6-5-1, 405 IAC 6-5-2, 405 IAC 6-5-3, 405 IAC 6-5-4, and 405 IAC 6-5-6 concerning eligibility and benefits under the Indiana Prescription Drug Program, and the definition and duration of eligibility, and the benefits for enrollees. *NOTE: The original emergency document, LSA*

Document #04-151(E), printed at 27 IR 3092, effective June 1, 2004, expires August 29, 2004. Effective August 29, 2004.

SECTION 1. (405 IAC 6-2-5) "Complete application" means an application that includes the following information about the applicant and applicant's spouse, if applicable:

- (1) Name.
- (2) Address of domicile.
- (3) Date of birth.
- (4) Social Security number.
- (5) Marital status.
- (6) Whether the applicant currently has insurance that includes a prescription drug benefit, **except for a Medicare Drug Discount Card.**
- (7) Whether the applicant is on Medicaid with prescription drug assistance.
- (8) Whether the applicant intends to reside in Indiana permanently.
- (9) Proof of income.
- (10) Signature.

SECTION 2. (405 IAC 6-3-3) (a) After July 1, 2002, program availability will be no sooner than the date complete application is received and approved.

(b) Those enrollees applying on or before the tenth of a month will have point of service benefits available on the first day of the following month. Those enrollees applying after the tenth of a month will have point of service benefits available no later than the first day of the second following month.

(c) The program is not available for prescription drugs purchased prior to the month in which the enrollee turned sixty-five (65) years of age.

(d) All current enrollees shall be automatically enrolled in a new benefit period on June 1, 2004.

SECTION 3. (405 IAC 6-4-2) (a) To be eligible for the program, an applicant's monthly family net income must not exceed the income limit listed as follows for the applicant's family size:

Family Size	Net Monthly Income Limit
1	\$1,011 \$1,048
2	\$1,364 \$1,406
3	\$1,717 \$1,764

(b) For each additional family member over three (3), the family member standard shall be added to the net monthly income limit for a family of three (3) in order to calculate the net monthly income limit. A child who earns more than the family member standard per month is not included in the calculation of monthly net income or in family size.

(c) The monthly net income limits are determined by multiplying the annual federal poverty guideline amounts for each

family size by one hundred thirty-five percent (135%), dividing by twelve (12), and then rounding up to the next whole dollar.

(d) The income standards in subsection (a) shall increase annually in the same percentage amount that is applied to the federal poverty guideline. The increase shall be effective on the first day of the second month following the month of publication of the federal poverty guideline in the Federal Register.

(e) The Social Security cost of living adjustment (COLA) received annually in January is disregarded until subsection (d) occurs.

(f) A general ~~monthly~~ income disregard of twenty dollars (\$20) is allowed and applied per household. It is deducted from the total monthly net income.

SECTION 4. (405 IAC 6-4-3) Notwithstanding any other provision of this ~~article, document~~, an individual is not eligible for the program if any of the following apply:

- (1) The ~~individual applicant currently~~ has ~~health~~ insurance ~~with that includes~~ a prescription drug benefit, ~~at the time of application.~~ **except for a Medicare Drug Discount Card.**
- (2) The individual is not domiciled in Indiana.
- (3) The individual does not intend to reside permanently in Indiana.
- (4) The individual is an inmate of a correctional facility.

SECTION 5. (405 IAC 6-5-1) An eligible enrollee may go to any participating provider to purchase prescription drugs and present his or her prescription and program identification card at the point of service to receive immediate program benefits. At the point of service, the provider shall determine the following:

- (1) Whether the enrollee is eligible.
- (2) Whether the individual whose name appears on the identification card is the same as the individual for whom the prescription is written.
- (3) Whether the enrollee has benefits available.
- (4) The price of a prescription drug in accordance with 405 IAC 6-8-3.
- (5) That all prescription discounts, if applicable, are taken after the appropriate drug price has been determined.
- (6) The amount of the enrollee's co-payment.
- (7) Whether the individual has a Medicare Drug Discount Card and has spent the six hundred dollar (\$600) annual transitional assistance credit. The provider shall encourage the enrollee to use the Medicare Drug Discount Card benefit first.**

SECTION 6. (405 IAC 6-5-2) (a) The ~~amount of benefit at the time of purchase, which is issued to an enrollee per benefit period; is will be limited by family monthly net income as follows:~~ **to a maximum of one thousand two hundred dollars (\$1,200) over a period of nineteen (19) months and prorated depending on time of enrollment.**

Emergency Rules

Income Guideline	Individual's Monthly Net Income	Couple's Monthly Net Income	Annual Benefit
Up to 135% of federal poverty guideline	Up to \$1,011 per month	Up to \$1,364 per month	50% benefit up to \$500 benefit/year
Up to 120% of federal poverty guideline	Up to \$898 per month	Up to \$1,212 per month	50% benefit, up to \$750 benefit/year
Under 100% of federal poverty guideline	Up to \$748 per month	Up to \$1,010 per month	50% benefit up to \$1,000 benefit/year
\$1,200 if enrolled June - September 2004	\$1,000 if enrolled October - December 2004	\$800 if enrolled January - March 2005	Prorate \$200 per quarter after March 2005

aged to use the six hundred dollar (\$600) annual Medicare benefit first before using the prescription drug program benefit.

(b) (c) Benefits will exist under this program to the extent that appropriations are available for the program.

(c) (d) The state budget director shall determine if appropriations are available to continue offering and paying benefits to enrollees.

LSA Document #04-246(E)

Filed with Secretary of State: August 27, 2004, 10:10 a.m.

(b) An enrollee and spouse who are enrolled in the program will each receive the maximum benefit at the time of purchase for prescription drug expenses ~~up to the annual benefit for which amount~~ in subsection (a) ~~for which~~ they qualify. ~~by family income level.~~

(c) The prescription drug program will pay seventy-five percent (75%) of the cost of prescription drugs up to the individual's maximum limit. Enrollee will pay twenty-five percent (25%) of the cost of prescription drugs up to the individual's maximum limit.

(c) (d) Upon such time as the enrollee exceeds the ~~annual maximum~~ benefit, the enrollee may use the program identification card to access program benefit prescription drug rates as defined by 405 IAC 6-8-3 and 405 IAC 6-8-4 ~~until the enrollee benefit period expires through December 31, 2005.~~

SECTION 7. (405 IAC 6-5-3) The ~~point of service~~ benefit shall be ~~one (1) year for a period~~ of continuous eligibility up to the benefit ~~limit in accordance with limits delineated in~~ SECTION 2 6 of this ~~rule: document.~~

SECTION 8. (405 IAC 6-5-4) (a) The point of service benefit is available to an enrollee ~~for one (1) year of continuous benefits: through December of 2005.~~

(b) Following the expiration of the enrollee's last benefit period, the individual must reenroll for the point of service benefit. A new application must be submitted to the office in accordance with this ~~article: document.~~

SECTION 9. (405 IAC 6-5-6) (a) At the point of service, benefits are available under this program on a first come, first served basis.

(b) If eligible, enrollees are encouraged to enroll in the Medicare Drug Discount Card program and apply for the six hundred dollar (\$600) annual transitional assistance available for low-income beneficiaries. Seniors are encour-

Notice of Rule Adoption

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #03-231

Under IC 12-8-3-4.4, LSA document #03-231, which adds 460 IAC 1-10 to describe the caretaker support program and provide for the coordination and administration of the program, was adopted by the division of disability, aging, and rehabilitative services on August 5, 2004. The rule is effective 30 days after filing with the secretary of state.

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #03-245

Under IC 12-8-3-4.4, LSA document #03-245, which adds 460 IAC 1.1 concerning home and community based services including qualifications for approved providers of home and community based services, the process by which the division of disability, aging, and rehabilitative services/bureau of aging and in-home services (BAIHS) approves providers, the BAIHS process for monitoring and ensuring compliance with provider standards and requirements, the rights of individuals receiving services, protection of individuals receiving services, standards and requirements for approved providers of home and community based services, and definitions for home and community based services, was adopted by the division of disability, aging, and rehabilitative services on August 5, 2004. The rule is effective 30 days after filing with the secretary of state.

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #04-76

Under IC 12-8-3-4.4, LSA document #04-76, which adds 460 IAC 2-2.1 to reestablish and maintain a board of interpreter standards that was established by a previous rule that has expired, including composition of the board and its powers and duties that enable the board to determine the necessary competency and proficiency standards for sign language interpreters and oral interpreters, was adopted by the division of disability, aging, and rehabilitative services on September 9, 2004. The rule is effective 30 days after filing with the secretary of state.

TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #03-233

Under IC 12-8-3-4.4, LSA Document #03-233, printed at 27 IR 1627, adding 470 IAC 3-18 concerning the eligibility requirements and standards child care providers, who want to participate in the Child Care and Development Fund voucher program, must meet, prior to participation in the Child Care and Development Fund voucher program, in order to be eligible to receive a voucher payment under the Child Care and Development Fund voucher program was adopted by the director of the division of family and children on September 1, 2004. The rule adopted is a version different from the proposed rule which was published in the Indiana Register on February 1, 2004.

Change in Notice of Public Hearing

TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION

LSA Document #04-172

The Indiana Department of Administration gives notice that the date of the public hearing for consideration of preliminary adoption of LSA Document #04-172, printed at 27 IR 3595, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on **November 16, 2004 at 1:00 p.m.**, at the **Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana** the Indiana Department of Administration will hold a public hearing on a proposed new rule concerning executive agency lobbying. The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the Department of Administration. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W479 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Daniel B. Dovenbarger
Deputy Commissioner
Indiana Department of Administration

public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Gayl Killough, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027, press 0, and ask for extension 3-8628 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change in Notice of Public Hearing section of the Indiana Register. Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

*Attn: ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015*

or call (317) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers also may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.

Janet McCabe
Assistant Commissioner
Office of Air Quality

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #04-107

The Air Pollution Control Board gives notice that the date of the public hearing for consideration of final adoption of LSA Document #04-107, printed at 27 IR 3168, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **November 3, 2004 at 1:00 p.m.**, at the **Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana** the Air Pollution Control Board will hold a public hearing on new rules 326 IAC 20-71, 326 IAC 20-72, 326 IAC 20-73, 326 IAC 20-74, 326 IAC 20-75, 326 IAC 20-76, 326 IAC 20-77, 326 IAC 20-78, and 326 IAC 20-79.*

The purpose of this hearing is to receive comments from the

TITLE 326 AIR POLLUTION CONTROL BOARD

#04-236(APCB)

The Air Pollution Control Board gives notice that the date of the public hearing for consideration of preliminary adoption of #04-236(APCB), printed at 27 IR 4146, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **November 3, 2004 at 1:00 p.m.**, at the **Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana** the Air Pollution Control Board will hold a public hearing on new rules 326 IAC 20-83, 326 IAC 20-84, 326 IAC 20-85, 326 IAC 20-86, 326 IAC 20-87, and 326 IAC 20-88.*

The purpose of this hearing is to receive comments from the

public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the draft amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Gayl Killough, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027, press 0, and ask for extension 3-8628 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change in Notice of Public Hearing section of the Indiana Register. Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

*Attn: ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015*

or call (317) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers also may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.

Janet McCabe
Assistant Commissioner
Office of Air Quality

Notice of Intent to Adopt a Rule

TITLE 45 DEPARTMENT OF STATE REVENUE

LSA Document #04-255

Under IC 4-22-2-23, the Department of State Revenue intends to adopt a rule concerning the following:

OVERVIEW: Amends 45 IAC 18-3-7 and 45 IAC 18-3-8 concerning the use of proceeds and record keeping requirements by a qualified organization licensed by the Department of State Revenue to conduct charity gaming. Statutory authority: IC 4-32-7-3.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-253

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 312 IAC 9 concerning the sale and possession of endangered species of wildlife in Indiana, hunting deer with bow and arrows, hunting deer with bow and arrows under an extra deer license, and the taking of wild turkeys. Adds mole salamander to the list of amphibians native to Indiana. Amendments are also made to modernize the common and scientific names of several reptiles and amphibians. Questions concerning the proposed rule amendments may be directed to the following telephone number: (317) 232-4699 or e-mail jkane@nrc.IN.gov. Statutory authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-7; IC 14-22-34-13.

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #04-248

Under IC 4-22-2-23, the Indiana State Board of Animal Health intends to adopt a rule concerning the following:

OVERVIEW: The rule will establish a state system allocating premises identification numbers for premises associated with certain animals, animal related enterprises, and meat and poultry and dairy products production. The rule will add a requirement that a person obtain a premises identification number prior to buying, selling, or exhibiting certain livestock and require a person holding a livestock exhibition to register the event with the state veterinarian and keep records. Submit questions or comments to the Indiana State Board of Animal Health, Attention: Legal Affairs, 805 Beachway Drive, Suite 50, Indianapolis, Indiana 46224, or by electronic mail to ghaynes@boah.state.in.us. Statutory authority: IC 15-2.1-3-19.

TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS

LSA Document #04-254

Under IC 4-22-2-23, the State Board of Cosmetology Examiners intends to adopt a rule concerning the following:

OVERVIEW: Amends 820 IAC 4-3-1 to establish the education and examination requirements for an instructor license to allow an instructor licensed under IC 25-8-6, IC 25-8-6.1, or IC 25-8-6.2 to qualify for another instructor license without further instructor education or examination provided the licensed instructor meets licensing and experience requirements and to revise the licensing requirements for an individual teaching manicuring in a cosmetology school. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Board Director, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700 or by electronic mail at pla12@pla.state.in.us. Statutory authority: IC 25-8-3-22; IC 25-8-3-23.

TITLE 68 INDIANA GAMING COMMISSION

Proposed Rule
LSA Document #04-179

DIGEST

Amends 68 IAC 15-3-3 to correct a misspelling. Amends 68 IAC 15-5-2 to determine who may sign an RG-1 and to determine tax calculation in the event a riverboat chooses to observe nonflexible scheduling or flexible scheduling. Amends 68 IAC 15-6-2 to determine what must happen to admissions when a riverboat chooses to observe nonflexible scheduling or flexible scheduling and chooses to observe 24 hour gaming. Amends 68 IAC 15-6-3 to determine what must happen to ticketing if a riverboat chooses to observe nonflexible scheduling or flexible scheduling. Amends 68 IAC 15-6-5 to determine who may sign an RG-1 and to determine what happens to computation of tax when a riverboat chooses to observe nonflexible scheduling or flexible scheduling. Effective 30 days after filing with the secretary of state.

68 IAC 15-3-3 **68 IAC 15-6-3**
68 IAC 15-5-2 **68 IAC 15-6-5**
68 IAC 15-6-2

SECTION 1. 68 IAC 15-3-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-3-3 Cash reserve requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. (a) Riverboat licensees shall maintain, in cash or cash equivalents, an amount sufficient to protect patrons against defaults in gaming debts owed by the riverboat licensee. The cash reserve requirement may be maintained in any of the following combinations:

- (1) Cash on hand in the riverboat licensee's cage that comprises the cage accountability.
- (2) Cash in a bank account maintained in the state of Indiana.
- (3) ~~East~~ **Cash** equivalents that are not otherwise committed or obligated.

(b) Riverboat licensees shall maintain cash or cash equivalents in one (1) of the following amounts to ensure payment of a winning patron wager:

- (1) For the first full or partial quarter of operation, based on a calendar year, one hundred percent (100%) of the riverboat licensee's or riverboat license applicant's projected payout for a three (3) day period.
- (2) For the next quarter, based on a calendar year, one hundred percent (100%) of the riverboat licensee's actual payout for a three (3) day period. The actual payout shall be computed by calculating the daily average payout for the previous quarter of operation and multiplying the daily average payout by three (3).

(c) The cash reserve requirement that a riverboat licensee must maintain shall be rounded off to the nearest **one** thousand dollars (**\$1,000**). The riverboat licensee shall not increase or decrease the cash reserve requirement each quarter unless the adjustment would increase or decrease the cash reserve requirement by at least fifty thousand dollars (\$50,000). The riverboat licensee shall increase or decrease the cash reserve requirement by the twentieth day of the month following the end of the quarter.

(d) The cash or cash equivalents must be held in the name of the riverboat licensee.

(e) If the riverboat licensee's cash and cash equivalents fall below the amount outlined in subsection (b), the riverboat licensee shall immediately notify the executive director. If the cash reserve requirement does not comply with this rule, the executive director shall order the riverboat licensee to establish a cash reserve requirement that is in compliance within a period not to exceed twenty (20) days.

(f) The riverboat licensee shall provide the executive director with a statement of the cash reserve account by the twentieth day of each month or within ten (10) days of the receipt of the statement by the riverboat licensee. (*Indiana Gaming Commission; 68 IAC 15-3-3; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2312; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

SECTION 2. 68 IAC 15-5-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-5-2 Calculation of taxes

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-13-1; IC 4-33-13-5

Sec. 2. (a) The riverboat licensee shall calculate the amount of wagering taxes to be paid by completing Form RG-1 in accordance with the applicable rules of the department, this rule, and any instructions that accompany Form RG-1. **Only the:**

- (1) **general manager;**
 - (2) **assistant general manager;**
 - (3) **finance officer; or**
 - (4) **others as approved by the commission;**
- may sign as an officer on the RG-1.**

(b) Each riverboat licensee shall maintain an account at a designated financial institution capable of handling electronic fund transfers.

(c) The riverboat licensee shall submit the wagering tax liabilities via an electronic funds transfer (EFT) system employing an automated clearinghouse debit method (ACH-debit) or other method approved by the department and the executive director.

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(d) The riverboat licensee shall be required to file a Form RG-1 and remit the tax imposed by IC 4-33-13 to the department before the close of the business day following the day the wagers are made. In addition, a copy of Form RG-1 shall be filed with the commission.

(e) The riverboat licensee shall be required to maintain funds, at all times, sufficient to cover all tax liabilities due to the department in accordance with IC 4-33-13.

(f) The riverboat licensee **that has not implemented flexible scheduling** shall compute the amount of wagering tax due **by multiplying the total of daily adjusted gross receipts by twenty percent (20%): as set forth in IC 4-33-13-1. The riverboat licensee that has implemented flexible scheduling shall compute the amount of wagering tax due as set forth in IC 4-33-13-1.5.**

(g) Daily ~~adjusted~~ gross receipts shall be computed ~~by~~ **in** the following manner:

(1) Add the following figures:

(A) Total receipts from table games in accordance with section 3 of this rule.

(B) Total receipts from electronic gaming devices in accordance with section 4 of this rule.

(C) Net tournament receipts in accordance with section 5 of this rule.

(D) Net debit card receipts in accordance with section 6 of this rule.

(E) Any tax remittance correction or adjustment, or both, in accordance with section 7 of this rule.

(2) Deduct the following figures:

(A) Allowable uncollectible gaming receivable deduction under 68 IAC 16-1-13 in accordance with section 8 of this rule.

(B) Any tax remittance correction or adjustment, or both, in accordance with section 7 of this rule.

~~(g)~~ **(h)** If the amount of wagering tax due on a gaming day is a negative figure, the riverboat licensee shall remit no wagering tax for that gaming day but shall pay the appropriate amount of admission tax calculated pursuant to **under** 68 IAC 15-6. Any negative wagering tax shall be carried over and calculated as an adjustment on Schedule E of Form RG-1 on the subsequent gaming days until the negative figure has been brought to a zero (0) balance. (*Indiana Gaming Commission; 68 IAC 15-5-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3305; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

SECTION 3. 68 IAC 15-6-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-6-2 Admissions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-9-2

Sec. 2. Admissions to the riverboat must be conducted in the following manner:

(1) **Should a riverboat licensee choose not to observe flexible scheduling, the requirements are as follows:**

(A) The embarkation period for each gaming excursion may not exceed a period of thirty (30) minutes.

~~(2)~~ **(B)** The disembarkation period for each gaming excursion may not exceed a period of thirty (30) minutes. During the disembarkation period, no new patrons shall be allowed to board the riverboat.

~~(3)~~ **(C)** The riverboat licensee may allow patrons to disembark during the embarkation period for the next gaming excursion or at any time that the riverboat remains at the dock and gambling continues in accordance with IC 4-33-9-2. The riverboat licensee is responsible for ensuring it is in compliance with subdivision ~~(13)~~ **(10)** at all times. The admissions tax must be paid by the patron or the riverboat licensee for any patron who disembarks during the embarkation period for the next gaming excursion or who disembarks at any time during a gaming excursion after the conclusion of the thirty (30) minute disembarkation period.

~~(4)~~ **(D)** The admissions tax must be paid by the carryover patron or the riverboat licensee for each excursion that a patron remains on board.

(2) Should a riverboat licensee choose to observe flexible scheduling, the embarkation and disembarkation are not limited to any period and the patrons shall be allowed to board or exit at will.

~~(5)~~ **(3) Whether or not a riverboat licensee chooses to observe flexible scheduling:**

(A) all patrons boarding the riverboat must pass through a turnstile or other approved patron counting equipment:

~~(6)~~ All patrons or exiting the riverboat must pass through a turnstile or other approved patron counting equipment;

~~(7)~~ **(B)** the riverboat licensee is responsible for ensuring that the turnstile or equivalent keeps an accurate count of the patrons who board the riverboat; **and**

~~(8)~~ **(C)** if a patron exits the riverboat and passes through a turnstile or the equivalent, the patron may not reenter the riverboat until the patron ~~purchases a ticket~~ **pays whatever boarding fee is required of a patron boarding for the first time** or is issued a complimentary pass by the riverboat licensee.

~~(9)~~ **(4) Should a riverboat licensee choose not to observe flexible scheduling,** a passenger count must be completed for each gambling excursion.

(5) Should a riverboat licensee choose to observe flexible scheduling, a passenger count must be completed for the gaming day.

(6) Should a riverboat licensee choose to observe twenty-four (24) hour gaming, a passenger count must be computed at the end of each gaming day and shall include those patrons remaining on board the riverboat at the time of each new gaming day. The following four (4)

counts will be recorded at the close of the gaming day:

- (A) If applicable, the actual admissions ticket count.
- (B) The patron ingress turnstile count.
- (C) The patron egress turnstile count.
- (D) If applicable, the total onboard count.

At the close of the gaming day, boarding and exiting will be momentarily suspended to allow for the recording of the meters and the taking of the turnstile counts. The onboard count shall be added to the new gaming day's ingress turnstile count. The recording, resetting, and onboard additions to the ingress turnstile shall be completed in the presence of and observed by a commission agent. For admission tax reporting for twenty-four (24) hour gaming, the count shall be adjusted to account for and include the onboard count.

~~(H)~~ (7) The riverboat licensee shall submit passenger count procedures to the executive director at least sixty (60) days before the commencement of gambling operations. The passenger count procedures shall include, but not be limited to, the following:

- (A) A description of the type of equipment that will be utilized to complete a patron count.
- (B) The form that will be utilized to report the patron count.
- (C) The procedure that will be utilized to ensure patron boarding occurs only during the appropriate embarkation period **should a riverboat licensee choose not to observe flexible scheduling.**
- (D) Emergency procedures that will be utilized in case the primary patron counting equipment malfunctions.
- (E) The manner in which the riverboat licensee will ensure that the total number of passengers does not exceed the capacity of the riverboat as set forth in the certificate of inspection issued by the United States Coast Guard.
- (F) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

~~(H)~~ (8) The riverboat licensee shall notify the commission agent immediately if the primary patron counting system malfunctions.

~~(I)~~ (9) The following individuals are entitled to a tax-free pass and do not have to pass through the patron counting equipment when boarding the riverboat:

- (A) Occupational licensees of the riverboat licensee.
- (B) Other employees of the riverboat licensee who are boarding the riverboat in the performance of official duties.
- (C) Commission:
 - (i) members; ~~commission~~
 - (ii) staff; and ~~commission~~
 - (iii) agents.
- (D) Official guests approved by commission:
 - (i) members; ~~commission~~
 - (ii) staff; and ~~commission~~
 - (iii) agents.
- (E) Vendors who have completed the appropriate vendor

log in accordance with section 4 of this rule.

(F) Any other person authorized by the executive director or the commission to ensure compliance with the Act and this title.

~~(I)~~ (10) All persons boarding the riverboat on a tax-free pass must have an appropriate badge.

~~(I)~~ (11) At no time shall the riverboat licensee allow the total number of passengers to exceed the capacity of the riverboat as set forth in the certificate of inspection issued by the United States Coast Guard.

(Indiana Gaming Commission; 68 IAC 15-6-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3045; filed Aug 20, 1997, 7:11 a.m.: 21 IR 19; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

SECTION 4. 68 IAC 15-6-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-6-3 Ticketing

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-4-21.2

Sec. 3. **If applicable**, tickets for admittance on the riverboat shall have the following characteristics:

- (1) Have two (2) perforated sections.
- (2) One (1) section shall be retained by the riverboat licensee after the patron boards the riverboat. The patron shall retain the remaining section of the ticket.
- (3) The ticket shall contain, at a minimum, the following information:
 - (A) A sequential number assigned by the riverboat licensee.
 - (B) The date and time of the excursion **if the riverboat licensee chooses not to observe flexible scheduling.**
 - (C) **The date if the riverboat licensee chooses to observe flexible scheduling.**
 - ~~(D)~~ (D) The number of the toll-free telephone line in accordance with IC 4-33-4-21.2 and ~~68 IAC 20-1~~: **68 IAC 1-16-2.**

(4) **If the riverboat licensee chooses not to observe flexible scheduling**, an admission ticket shall be good for admittance to only one (1) excursion. A riverboat licensee may allow the patron to stay on board the riverboat as a carryover patron as long as the admission tax is paid in accordance with section ~~2(3)~~ **2(1)(C)** and ~~2(4)~~ **2(1)(D)** of this rule and so long as the total number of passengers remaining on the riverboat does not exceed the capacity of the riverboat as set forth in the certificate of inspection issued by the United States Coast Guard.

(5) **If the riverboat licensee chooses to observe flexible scheduling, an admission ticket is valid for a one-time admittance by the ticket holding patron.**

(Indiana Gaming Commission; 68 IAC 15-6-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3046; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261)

SECTION 5. 68 IAC 15-6-5 IS AMENDED TO READ AS FOLLOWS:

Proposed Rules

68 IAC 15-6-5 Computation of tax

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5. (a) The riverboat licensee shall complete an RG-1 for each gaming day and indicate the total number of admissions for each day. **Only the:**

- (1) **general manager;**
 - (2) **assistant general manager;**
 - (3) **finance officer; or**
 - (4) **others as approved by the commission;**
- may sign as an officer on the RG-1.**

(b) The admissions tax shall be computed utilizing the patron count that results in the highest count from one

(1) of the following methods of counting patrons:

- (1) A turnstile or the equivalent.
- (2) A manual count.
- (3) A ticket stub count.
- (4) Any other method of counting patrons that has been approved by the executive director as accurately tracking patron ingress and egress to ensure the accurate payment of the admission tax in accordance with the Act and this title.

(c) **If the riverboat licensee chooses not to observe flexible scheduling,** the tax on carryover patrons shall be computed utilizing Schedule A of the RG-1.

(d) **If the riverboat licensee chooses to observe flexible scheduling, the tax on the highest of the counts in subsection (b) shall be computed utilizing Schedule A of the RG-1 with only one (1) figure filed for all admissions during the gaming day.** (*Indiana Gaming Commission; 68 IAC 15-6-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3046; filed May 29, 1998, 5:05 p.m.: 21 IR 3701; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 28, 2004 at 9:00 a.m., at the Indiana Gaming Commission, 115 West Washington Street, South Tower, Suite 950, Indianapolis, Indiana the Indiana Gaming Commission will hold a public hearing on proposed rules regarding operational functions and internal operations of riverboat licensees and riverboat license applicants. Copies of these rules are now on file at the Indiana Gaming Commission, 115 West Washington Street, South Tower, Suite 950 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Glenn R. Lawrence
Executive Director
Indiana Gaming Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #04-84

DIGEST

Amends 312 IAC 5-6-5, governing special watercraft restrictions on Lake James, to apply to other lakes in the Lake James Chain of Lakes and to add new restricted watercraft zones for the channel between Lake James and Snow Lake and for Follett Creek between Big Otter Lake and Snow Lake. Effective 30 days after filing with the secretary of state.

312 IAC 5-6-5

SECTION 1. 312 IAC 5-6-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-6-5 Lake James Chain of Lakes; special watercraft zones

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14; IC 32-19-1-1

Sec. 5. (a) **This section establishes special watercraft zones on the Lake James Chain of Lakes in Steuben County. For the purposes of this section, the Lake James Chain of Lakes includes the following:**

- (1) **Big Otter Lake.**
- (2) **Jimmerson Lake.**
- (3) **Lake James.**
- (4) **Little Otter Lake.**
- (5) **Marsh Lake.**
- (6) **Snow Lake.**
- (7) **The streams connecting the lakes.**

(b) A person must not operate a watercraft at either of the following sites located within Lake James: **in Steuben County:**

(1) Adjacent to the Pokagon Beach in Pokagon State Park with:

(A) the southern boundary beginning at a point on the shoreline at the southern edge of the Pokagon Beach, the point being located north fifty (50) degrees west, a distance of one hundred twenty-four (124) feet from the northwest corner of the concession building;

(B) the northern boundary beginning at a point on the shoreline five hundred (500) feet north of the point on the shoreline described in clause (A) and running perpendicular to the shoreline for one hundred fifty (150) feet; and

(C) the western boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the southern boundary and the northern boundary.

(2) Adjacent to the Potawatomi Inn Beach in Pokagon State Park with:

(A) the western boundary beginning at a point on the shoreline at the western edge of the Potawatomi Inn Beach and running perpendicular to the shoreline for one hundred

fifty (150) feet;

(B) the eastern boundary beginning at a point on the west end of a concrete seawall in front of the boat rental and running perpendicular to the shoreline for one hundred fifty (150) feet; and

(C) the southern boundary formed by a line running parallel to the shoreline, approximately three hundred (300) feet long, and terminating at the lakeward-most points of the western boundary and the northern boundary.

(c) A person must not operate a watercraft in excess of idle speed at any of the following locations:

(1) In the area separating Lake James from Snow Lake and more particularly described as follows:

(A) Northerly of buoys placed along a line formed by these points:

(i) 2358640.00 (UTM 4620748.34) north and 498640.00 (UTM 662873.32) east; and

(ii) SPC 2358014.99 (UTM 4620568.46) north and 500882.81 (UTM 663559.75) east.

(B) Southerly of buoys placed along a line formed by these points:

(i) SPC 2357538.77 (UTM 4620415.28) north and SPC 499176.13 (UTM 663041.90) east; and

(ii) SPC 2357538.77 (UTM 4620422.16) north and SPC 500632.12 (UTM 663485.61) east.

(2) Along Follett Creek between Big Otter Lake and Snow Lake and more particularly described as follows:

(A) Westerly of buoys placed along a line formed by these points:

(i) SPC 2360938.47 (UTM 4621470.13) north and 503160.06 (UTM 664239.92) east; and

(ii) SPC 2360451.35 (UTM 4621322.18) north and 503265.57 (UTM 664274.38) east.

(B) Easterly of buoys placed along a line formed by these points:

(i) SPC 2359972.56 (UTM 4621187.97) north and 505744.48 (UTM 665032.07) east; and

(ii) SPC 2359897.33 (UTM 4621165.50) north and 505840.23 (UTM 665061.60) east.

(d) The coordinates used in subsection (c) have the meaning set forth in IC 32-19-1-1, 312 IAC 1-1-27.5, and 312 IAC 1-1-29.3 and referenced as "SPC" and "UTM". *(Natural Resources Commission; 312 IAC 5-6-5; filed Mar 23, 2001, 2:50 p.m.; 24 IR 2374, eff Jan 1, 2002)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 26, 2004 at 1:30 p.m., at the Crooked Lake Room, Potawatomi Inn, Pokagon State Park, 6 Lane 100 A Lake James, Angola, Indiana the Natural Resources Commission will hold a public hearing on a proposed amendment concerning special watercraft restrictions on Lake James to apply to other lakes in

the Lake James Chain of Lakes and to add new restricted watercraft zones for the channel between Lake James and Snow Lake and for Follett Creek between Big Otter Lake and Snow Lake. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #04-43

DIGEST

Amends 326 IAC 6-1-12 concerning revisions to the particulate matter emission limitations at Reilly Industries, Inc. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: March 1, 2004, Indiana Register (27 IR 2081).

Second Notice of Comment Period and Notice of First Hearing: May 1, 2004, Indiana Register (27 IR 2581).

Date of First Hearing: September 1, 2004.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on May 1, 2004, at 27 IR 2581, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from May 1, 2004, through May 31, 2004, on IDEM's draft rule language.

No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On September 1, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 6-1-12.

No comments were made at the first hearing.

Proposed Rules

326 IAC 6-1-12

SECTION 1. 326 IAC 6-1-12 IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-12 Marion County

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 12. (a) In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Marion County:

MARION COUNTY

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	Btu lbs/million	grains/dscf
Asph. Mat. & Const. Inc.	0098	01	Oxid. Tank	.3		.004
Bridgeport Brass	0005	01	Boiler 1	21.5	.350	
	0005	02	Boiler 2	21.5	.350	
	0005	03	Boiler 3	21.5	.350	
Central Soya	0008	09A	Elevator Gallery Belt Trippers (East and West)	0.92		.006
	0008	09B	Elevator Gallery Belt Loaders (East and West)	0.70		.006
	0008	09C	Elevator Grain Dryer Conveying Legs	1.01		.006
	0008	10A	Elevator #1 Truck & Rail Receiving System and Basement	7.23		.006
	0008	10B	Elevator #2 Truck & Rail Receiving System	4.95		.006
Cent. St. Hospital	0009	01	Boilers 7 & 8	22.0	.350	
	0009	02	Boiler 3	17.0	.350	
Chevrolet	0010	0103	Boilers 1-3	65.8	.300	
Chrys. (El.) Shade	0011	01	All Boilers	67.8	.324	
Chrys. (Fdy.) S. Tibbs	0012	01	Cup.-Scrub	34.2		.085
	0012	02	D. Cl. Ck. 4 St.	4.9		.038
	0012	07	H. C. Ov. B. Ck.	4.2		.008
	0012	08	H. C. Ov. A. Ck.	3.1		.006
	0012	09	H. C. Ov. A. By	6.2		.029
	0012	10	H. C. Pst. Cr.	less than 1 T/yr		.001
	0012	11	H. C. Ov. B. Ry.	.4		.005
	0012	12	H. Rv. Ov. Jkt.	less than 1 T/yr		.001
	0012	13	H. Ry. Ov. A. CCC	less than 1 T/yr		.002
	0012	14	Bg. Ex. Rb. 1 St.	2.6		.020
	0012	16	Hyd. Fdy. Gre.	1.2		.004
0012	18	Ck. Unload.	5.9		.021	

Proposed Rules

	0012	19	Flsk. Sk.-Out	50.8		.030
	0012	22	Snd. Trnsfr.	2.6		.019
	0012	25	Cr. Grinding	.01		.001
	0012	26	Cr. Grinding	1.6		.007
	0012	28	Cl. Op. Cr. K. O.	8.2		.034
	0012	29	Cl. Room	6.8		.020
	0012	30	Cl. Room	4.2		.020
	0012	31	Chp. Op.	16.7		.020
	0012	34	Cst. Cl.	57.5		.020
Community Hospital	0014	01	Keller Boiler	.5	.014	
Design Mix	0091	01	Roty. Dry.	9.8		.092
Allison Transmission	0017	01-05	Boilers 1, 2, 3, 4, 5	39.3 combined	.15 each	
Rolls-Royce Corporation	0311	01	Boilers 0070-01 through 0070-04	} 130.0/yr	.337	
	0311	02	Boilers 0070-58 and 0070-59		.15	
	0311	03	Boilers 0070-62 through 0070-65		.15	
Illinois Cereal Mills, Incorporated	0020	01	Cleaver Brooks Boiler	1.0	.014	
	0020	02	Old Mill-Dust	4.3		.030
	0020	05	Old Mill-Dust	4.3		.030
	0020	06	Warehouse-Dust	5.8		.030
	0020	07	New Mill Dryers	3.0		.030
	0020	08	New Mill Dryers	3.0		.030
	0020	09	New Mill Dryers	3.0		.030
	0020	10	New Mill Dryers	3.0		.030
	0020	11	New Mill Dryers	9.4		.030
	0020	12	New Mill Coolers	3.1		.030
	0020	13	New Mill Cleaner	3.3		.030
	0020	14	Elevator Dust	1.6		.030
	0020	15	Headhouse Suction	3.1		.030
	0020	16	Corn Cleaner	1.0		.131
	0020	17	Corn Cleaner	1.0		.131
	0020	18	Headhouse Suction	6.0		.030
	0020	19	Old Mill Dust	5.9		.030
	0020	20	Large Hammermill	8.2		.030
	0020	03	Old Mill Dust	4.3		.030
	0020	04	Old Mill Dust	4.3		.030
Farm Bureau (Fert.)	0653	02	Gr. Dry Cooler	15.2		.013
	0653	04	Ammoniator	3.9		.047
	0653	05	Cooler Gr.	6.3		.026
	0653	06	Screen Gr.	less than 1 T/yr		.005
	0653	07	Bag. Ship.	.1		.004
FMC Bearing	0025	01	Boilers 1-3	17.0	.300	
FMC Chain	0062	0105	Boilers	7.6	.300	

Proposed Rules

	0062	07	Anneal. Ov.	.1		.004
Ford Motor Co.	0021	01	Boiler 3	38.6	.270	
	0021	02	Boiler 2	55.1	.270	
	0021	03	Boiler 1	16.5	.270	
Ft. Benjamin Harrison	0022	01	Boiler 1	16.7	.350	
	0022	02	Boiler 2	16.7	.350	
	0022	03	Boiler 3	16.7	.350	
	0022	04	Boiler 4	16.7	.350	
Glass Containers	0293	01	Glass Melting Furnace	43.0		(1 lb/ton)
Indep. Concrete Pipe	0457	01	Ct. St. Bn. 04	.21		.014
	0457	02	Ct. St. Bn. 03	.41		.014
Indpls. Rubber Co.	0064	01	Boilers	70.0	.350	
Ind. Asph. Pav. Co.	0027	01	Roty. Dry. 1	7.8		.074
	0027	02	Roty. Dry. 2	3.9		.066
Ind. Veneers	0031	01	Wd. & Cl. Boil.	13.9	.330	
IPL (Perry K)	0034	01	Boiler 11		*.125	
			(natural gas, coke oven gas)			
	0034	01	Boiler 12 (coal)		*.175	
	0034	02	Boiler 13		*.082	
			(natural gas, coke oven gas)			
	0034	02	Boiler 14		*.082	
			(natural gas, coke oven gas)	484.4		
	0034	03	Boiler 15 (coal)		*.106	
	0034	03	Boiler 16 (coal)		*.106	
	0034	03	Boiler 17 (oil)		*.015	
	0034	03	Boiler 18 (oil)		*.015	
IPL (Stout)	0033	09	Boiler 9	1.9	*.015	
	0033	10	Boiler 10	2.2	*.015	
	0033	11	Boiler 50	82.2	*.135	
	0033	12	Boiler 60	82.2	*.135	
	0033	13	Boiler 70	830.7	*.1	
	0033	14	Gas Turbine 1	.28	*.015	
	0033	15	Gas Turbine 2	.28	*.015	
	0033	16	Gas Turbine 3	.28	*.015	
Nat'l. R.R. (Amtrak)	0646	01	Boiler 1	23.0	.350	
	0646	02	Boiler 2	23.0	.350	
National Starch	0042	06	61-9	4.1		.016
	0042	11	56-2	11.3		0.010
	0042	12	71-2	2.6		.030
	0042	13	61-6	.1		.030
	0042	22	56-1	7.02		0.020
	0042	29	40-4	44.1		0.020
	0042	30	40-3	42.3		0.020
	0042	31	40-2	31.9		0.020
	0042	43A	42-1	.9		.030
	0042	46	61-14A	.6		.029
	0042	47	61-14	1.2		.028

Proposed Rules

	0042	55	42-8	4.2		.030
	0042	56A	42-7A	1.7		.032
	0042	56B	42-7B	1.7		.032
	0042	56C	42-7C	1.7		.032
	0042	57A	42-3A	1.8		.032
	0042	57B	42-3B	1.8		.032
	0042	57C	42-3C	1.8		.032
	0042	57D	42-3D	1.8		.032
	0042	57E	42-3E	1.8		.032
	0042	57F	42-3F	1.8		.032
	0042	59	42-4	2.3		.029
	0042	60	42-10	2.4		.030
	0042	63	42-6	2.5		.030
	0042	64	71-1	.9		.030
	0042	67A	71-5A	.3		.026
	0042	67B	71-5B	.3		.026
	0042	67C	71-5C	.3		.026
	0042	67D	71-5D	.3		.026
	0042	67E	71-5E	.3		.026
	0042	67F	71-5F	.3		.026
	0042	67G	71-5G	.3		.026
	0042	67H	71-5H	.3		.026
	0042	67I	71-5I	.3		.026
	0042	67J	71-5J	.3		.026
	0042	67K	71-5K	.3		.026
	0042	67L	71-5L	.3		.026
	0042	68A	71-4A	.3		.026
	0042	68B	71-4B	.3		.026
	0042	68C	71-4C	.3		.026
	0042	68D	71-4D	.3		.026
	0042		575-1	32.4		.018
	0042		575-2	32.4		0.011
- 100% natural gas	0042	04	Boiler 4			
Navistar International	0039	1a	E.M. 1 Baghouse	45.7		.019
	0039	1b	E.M. 2 Baghouse	53.5		.020
	0039	02	Boiler 1	14.0	.30	
	0039	03	Boiler 2	13.0	.30	
	0039	04	Boiler 3	34.9	.30	
	0039	05	Phase 1 Baghouse	35.4		.020
	0039	06	Phase 3 Baghouse	55.1		.020
	0039	07	M-3 Baghouse	72.4		.015
	0039	98	Phase 4 Baghouse	99.6		.02
	0039	99	Phase 5 Baghouse	62.0		.02
	0039	08	Cst. Cl. Cr. 1	.0		.0
	0039	09	Pngbrn. Shtb.	.0		.0
	0039	10	Cst. Clg. Cr. 2	.0		.0
Quemetco (RSR Corp)	0079	01	Rev. Fur. 01	5.8		.016
RCA	0047	02	2 Boil Oil	28.7	.15	
Refined Metals	0036	01	Blast Furnace	2.8		.003
	0036	02	Pot Furnace	less than 1 T/yr		.0005

Proposed Rules

Reilly Industries, Inc.							
- 100% natural gas	0049	01	186 N	}		.15	
	0049	02	2722 W		3.5	12.2	.15
	0049	03	2726 S		7.8		.15
	0049	04	2728 S		2.2		.15
- 100% natural gas	0049	05	2607 T				
	0049	06	2714 V	3.1		.15	
	0049	07	2707 V	.4		.011	
	0049	08	2724 W				
- 100% natural gas	0049	09	702611				
- 100% natural gas	0049	10	722804	.2		.011	
	0049	11	732714	7.5		.15	
	0049	12	2706 Q	.1		.011	
- 100% natural gas	0049	13	2713 W				
- 100% natural gas	0049	14	2714 W				
	0049	18	2729 Q	.1		.011	
	0049	20	2740 Q	2.0		.15	
	0049	21	112 E	.5		.15	
Richardson Co.	0065	01	Boil. 2 Oil	1.5		.015	
St. Vincent's Hospital	0476	0103	Boilers 1-3	.7		.011	
Sludge Incinerator	0032	01	Incinerator #5	17.9		.030	
	0032	02	Incinerator #6	17.9		.030	
	0032	03	Incinerator #7	17.9		.030	
	0032	04	Incinerator #8	17.9		.030	
	0032	05	Incinerators #1-4	72.5		.030	
Stokely Van Camp	0056	0103	Boiler	93.3		.350	
Praxair	0060	01	3 Boilers	35.5		.350	

*Compliance shall be determined using 40 CFR 60, Appendix A, Method 5**.

(b) Sources shall be considered in compliance with the tons per year emission limits established in subsection (a) if within five percent (5%) of the emission limit.

(c) Processes 40-4, 40-3, 40-2, 575-1, and 575-2 and Boiler 4 at National Starch, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas.

(d) **In addition to complying with subsections (a) and (b), Reilly Industries shall comply with the following:**

(1) Processes ~~186 N~~, 2607 T, 702611, 722804, 2713 W, and 2714 W at Reilly Industries, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas.

(2) **Maintain monthly fuel usage records for processes 186 N, 2722 W, and 2726 S that contain sufficient information to estimate emissions including:**

(A) boiler identification;

(B) fuel usage for each type of fuel;

(C) heat content of fuel; and

(D) emission factor used to calculate emissions.

(3) **Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the**

department and the Indianapolis office of environmental services division of the monthly emissions for each of the previous twelve (12) months for boilers 186 N, 2722 W, and 2726 S, including the information in subdivision (2). (4) Compliance with the annual tons per year limitation shall be based on the sum of the monthly emissions for each twelve (12) month period.

(5) The fuel usage records shall be maintained at the source for three (3) years and available for an additional two (2) years. The records shall be made available to the department or its designated representative upon request.

(e) In addition to complying with subsections (a) through (b), Navistar International Transportation Corporation shall comply with the following:

(1) The height of each of the two (2) stacks on the M-3 baghouse (Point ID 07) shall be increased by fifty (50) feet by August 31, 1990.

(2) Within thirty (30) days of the effective date of this rule, Navistar shall submit to the department the following:

(A) A certification as to the complete and permanent shutdown of the sources identified as Point ID 8, 9, and 10 of subsection (a) and No. 2 Large Mold Line, M-2 Mold

Line, M-4 Mold Line, and the core-making and core-knockout operations for these mold lines.

(B) A written list of sources not identified in subsection (a) with a potential to emit ten (10) or greater tons per year.

(3) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department of the monthly emissions from each emission point identified in subsection (a) **which that** contains information necessary to estimate emissions including:

(A) for boilers:

- (i) fuel type;
- (ii) usage;
- (iii) ash content; and
- (iv) heat content; and

(B) for other processes, the:

- (i) appropriate production data;
- (ii) emission factors; and
- (iii) proper documentation of the emission factors.

(4) The tons per year limitation shall be met based on the sum of the monthly emissions for each twelve (12) month period.

(5) A written report detailing Navistar's operation and maintenance program to provide for proper operation of and to prevent deterioration of the air pollution control equipment on the emission points identified as Point ID 1a, 1b, 5, 6, 7, 98, and 99 in subsection (a) to be submitted to the department by July 31, 1990.

(f) In addition to complying with subsections (a) through (b), Rolls-Royce Corporation shall comply with the following:

(1) Boilers 0070-01 through 0070-04 may use only:

- (A) #2 fuel oil;
- (B) #4 fuel oil;
- (C) natural gas; or
- (D) landfill gas;

as a fuel.

(2) Boilers 0070-58, 0070-59, and 0070-62 through 0070-65 may use only:

- (A) #6 fuel oil;
- (B) #4 fuel oil;
- (C) #2 fuel oil;
- (D) natural gas; or
- (E) landfill gas;

as a fuel.

(3) Boilers 0070-01 through 0070-04, 0070-58, 0070-59, and 0070-62 through 0070-65 shall have the following limitations depending upon the fuel being used:

(A) When using only #4 fuel oil, the amount used for the listed boilers collectively is not to exceed thirty-seven million one hundred forty-two thousand eight hundred (37,142,800) gallons per year based on a three hundred sixty-five (365) day rolling figure.

(B) When using #6 fuel oil, #2 fuel oil, natural gas, or landfill gas, the limitation listed in clause (A) shall be adjusted as follows:

(i) When using #6 fuel oil, the gallons per year of #4 fuel

oil shall be reduced by two and six-tenths (2.6) gallons per gallon used.

(ii) When using natural gas, the gallons per year of #4 fuel oil shall be reduced by eighty-eight hundred-thousandths (0.00088) gallon per cubic foot of natural gas burned.

(iii) When using #2 fuel oil, the gallons per year of #4 fuel oil shall be reduced by twenty-eight hundredths (0.28) gallon per gallon used.

(iv) When using landfill gas, the gallons per year of #4 fuel oil shall be reduced by one hundred sixteen hundred-thousandths (.00116) gallon per cubic foot of landfill gas burned.

(4) A log shall be maintained to document compliance with subdivision (4): (3). These records shall be maintained for at least the previous twenty-four (24) month period and shall be made available upon request by the department.

(g) In addition to complying with subsections (a) through (b), Allison Transmission shall comply with the following:

(1) Maintain monthly fuel usage records for each boiler identified in subsection (a) that ~~contains~~ **contain** sufficient information to estimate emissions including:

- (A) boiler identification and heat capacity;
- (B) fuel usage for each type of fuel; and
- (C) heat content of fuel.

(2) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department and the Indianapolis **office of** environmental ~~Resources~~ **Management services** division of the monthly emissions of the boilers identified in subsection (a) and including the information in subdivision (1).

(3) Compliance with the annual tons per year limitation shall be based on the sum of the monthly emissions for each twelve (12) month period.

(4) The fuel usage records shall be maintained at the source for three (3) years and available for an additional two (2) years. The records shall be made available to the department or its designated representative upon request.

***The following is incorporated by reference: 40 CFR 60, Appendix A, Method 5. Copies may be obtained from the Government Printing Office, 732 North Capitol Avenue, Washington, D.C. 20401 and is available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 6-1-12; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2472; filed Dec 14, 1989, 9:30 a.m.: 13 IR 868; filed Oct 4, 1995, 10:00 a.m.: 19 IR 186; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; errata filed Mar 19, 1996, 10:20 a.m.: 19 IR 2044; filed Sep 18, 1998, 11:35 a.m.: 22 IR 417; filed Feb 9, 1999, 4:22 p.m.: 22 IR 1954; filed Apr 27, 1999, 9:04 a.m.: 22 IR 2857; errata filed Dec 8, 1999, 12:38 p.m.: 23 IR 812; filed May 26, 2000, 8:33*

Proposed Rules

a.m.: 23 IR 2419; filed May 26, 2000, 8:37 a.m.: 23 IR 2414; errata filed Aug 17, 2000, 2:25 p.m.: 24 IR 26; filed Nov 8, 2001, 2:02 p.m.: 25 IR 748)

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on November 3, 2004 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed amendments to 326 IAC 6-1-12.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Susan Bem, Rule Development Section, Office of Air Quality, (317) 233-5697 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management
100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

or call (317) 233-0855, (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Timothy J. Method
Assistant Commissioner
Office of Air Quality

TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule

LSA Document #04-180

DIGEST

Adds 326 IAC 1-1-6 concerning credible evidence. Effective 30 days after filing with the secretary of state.

HISTORY

IC 13-14-9-8 Notice and Notice of First Hearing: July 1, 2004, Indiana Register (27 IR 3351).

Date of First Hearing: September 1, 2004.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on June 1, 2004, at 27 IR 2883, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On September 1, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning amendments to 326 IAC 1-4-1. No comments were made at the first hearing.

326 IAC 1-1-6

SECTION 1. 326 IAC 1-1-6 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-1-6 Credible evidence

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

Affected: IC 13-11; IC 13-17

Sec. 6. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any emission limitation, standard, or rule in this title, nothing in this title shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with the emission limitation, standard, or rule, if the appropriate performance or compliance test or procedure had been performed. (Air Pollution Control Board; 326 IAC 1-1-6)

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on November 3, 2004 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on a new rule at 326 IAC 1-1-6.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

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(11) "State chemist" means the Indiana state chemist or his or her appointed agent.

(12) "Violation assessment" means the scheme to be utilized for determining the violation number and the count of violations eligible to be assessed civil penalties on the schedule. This scheme includes the concept of assessing civil penalties on a per incident, per day, per product, per person, and per year basis as indicated on the schedule.

(Indiana Pesticide Review Board; 357 IAC 1-7-1; filed Jan 9, 1992, 3:00 p.m.: 15 IR 707; readopted filed Oct 29, 2001, 4:41 p.m.: 25 IR 936)

SECTION 2. 357 IAC 1-7-2 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-7-2 Schedule

Authority: IC 15-3-3.6-4; IC 15-3-3.6-14.5

Affected: IC 15-3-3.6-14

Sec. 2. (a) The civil penalty schedule to be observed of civil penalties for a violation violations of IC 15-3-3.6, the Indiana Pesticide Use and Application Law, and the rules adopted under this law, committed by a person not described in subsection (b) shall be (d), is as follows:

Violation number	Credentials	Fraudulent acts	Violation Number			Records
			1	2	3 and subsequent	
1	\$0-\$250	\$0-\$250				\$0-\$50
2	\$250-\$500	\$250-\$500				\$0-\$100
3	\$500-\$1,000	\$500-\$1,000				\$0-\$200
Subsequent	\$500-\$1,000	\$500-\$1,000				\$0-\$200

Legal Citation	General Description of Violation	Violation Number			Violation Assessment
		1	2	3 and subsequent	
IC 15-3-3.6-14(1)	Make false claims about pesticide or method effectiveness.	\$250	\$500	\$1,000	Per incident
IC 15-3-3.6-14(2)	Use a pesticide inconsistent with its label.	\$250	\$500	\$1,000	Per incident
IC 15-3-3.6-14(3)	Use an ineffective or improper pesticide.	\$250	\$500	\$1,000	Per incident
IC 15-3-3.6-14(4)	Use unsafe equipment.	\$100	\$200	\$300	Per incident
IC 15-3-3.6-14(5)	Operate in a careless manner.	\$250	\$500	\$1,000	Per incident
IC 15-3-3.6-14(6)	Fail to comply with an order of state chemist.	\$250	\$500	\$1,000	Per incident, per product, and per day
IC 15-3-3.6-14(7)	Fail to keep records, make reports, or supply information.	\$100	\$100	\$100	Per incident
IC 15-3-3.6-14(8)	Make false records, invoices, or reports.	\$250	\$500	\$1,000	Per incident
IC 15-3-3.6-14(9)	Engage in business for hire without a business license.	\$250	\$500	\$1,000	Per day
IC 15-3-3.6-14(10)	Use a restricted use pesticide without applicator certification.	\$250*	\$500*	\$1,000*	Per incident
IC 15-3-3.6-14(11)	Use fraud in applying for a license, permit, or registration.	\$250*	\$500*	\$1,000*	Per incident
IC 15-3-3.6-14(12)	Operate beyond the scope of an issued license, permit, or registration.	\$125	\$125	\$125	Per day
IC 15-3-3.6-14(13)	Aid or abet a person to evade the law.	\$250*	\$250*	\$250*	Per incident
IC 15-3-3.6-14(14)	Make false statements about a pest infestation.	\$250	\$500	\$1,000	Per incident
IC 15-3-3.6-14(15)	Impersonate a government official.	\$250*	\$500*	\$1,000*	Per incident
IC 15-3-3.6-14(16)	Knowingly purchase or use a nonregistered pesticide.	\$100	\$200	\$300	Per incident and per product
IC 15-3-3.6-14(17)	Fail to maintain insurance.	\$25	\$50	\$100	Per day
355 IAC 4-2-3	Fail to provide on-site supervision.	\$125	\$250	\$500	Per day
355 IAC 4-2-6	Fail to provide technician with label, fact sheet, safety equipment, or voice communication.	\$25	\$50	\$100	Per day
355 IAC 4-2-7	Supervise more than 10 technicians.	\$100	\$100	\$100	Per day and per person
355 IAC 4-2-8	Fail to have technician credential at the work site.	\$25	\$50	\$100	Per incident
355 IAC 4-4-1 or 355 IAC 1.5	Fail to keep restricted use pesticide application records.	\$100	\$200	\$300	Per day

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355 IAC 4-4-1 or 355 IAC 1.5	Fail to keep all record elements.	\$25	\$50	\$100	Per day
355 IAC 4-5-2(1)	Fail to keep termiticide application records.	\$100	\$200	\$300	Per day
355 IAC 4-5-2(2)	Fail to keep complete termiticide records.	\$25	\$50	\$100	Per day
355 IAC 4-5-2(4)	Fail to provide label and application specifications to termite control technicians.	\$25	\$50	\$100	Per incident
355 IAC 4-6-2(a)	Fail to provide label, application address, safety equipment, supervisor identity, or communication to lawn technician.	\$25	\$50	\$100	Per incident
357 IAC 1-5-2(a)	Fail to place a lawn marker.	\$100	\$200	\$300	Per incident
357 IAC 1-5-2(b)	Place an incorrect lawn marker.	\$50	\$100	\$200	Per incident
357 IAC 1-5-3(a)	Fail to provide lawn customer notification.	\$100	\$200	\$300	Per incident
357 IAC 1-5-3(b)	Provide incorrect lawn customer notification.	\$50	\$100	\$200	Per incident
357 IAC 1-9-4(1)	Provide pesticide selection and use advice without consultant registration.	\$250	\$500	\$1,000	Per incident
357 IAC 1-9-4(2)	Fail to train consultant employees.	\$100	\$200	\$300	Per incident
357 IAC 1-9-4(3)	Fail to post consultant employee notice.	\$50	\$100	\$150	Per incident
357 IAC 1-9-4(4)	Fail to post consultant public notice.	\$50	\$100	\$150	Per incident
357 IAC 1-10-2	Mix, load, or store pesticides in wellhead isolation area.	\$100	\$200	\$300	Per day
357 IAC 1-10-3	Fail to provide proper storage or containment in wellhead area.	\$100	\$200	\$300	Per day
357 IAC 1-10-4	Fail to properly and immediately clean up spill in wellhead area.	\$250	\$500	\$1,000	Per incident
357 IAC 1-11-2	Use any pesticide for community-wide mosquito abatement without a category 8 license.	\$250	\$500	\$1,000	Per day

*This penalty shall not be subject to the potential for mitigation listed in section 5 of this rule.

(b) Each penalty for each violation, if the violation is of a continuing nature, shall not be imposed for more than one hundred eighty (180) days when assessed on a per day basis.

(c) Each penalty for each violation, if the violation is of an identical repetitive nature, shall not be imposed for more than one hundred eighty (180) incidents when assessed on a per incident basis.

(b) (d) The civil penalty schedule to be observed of civil penalties for a violation violations of IC 15-3-3.6, the Indiana Pesticide Use and Application Law, and the rules adopted under this law, committed by a person who is required to be certified as a private applicator, shall be from zero-dollars (\$0) to the same as that listed in subsection (a) except that all listed amounts shall be one hundred dollars (\$100). for any type of violation committed. (*Indiana Pesticide Review Board; 357 IAC 1-7-2; filed Jan 9, 1992, 3:00 p.m.: 15 IR 707; readopted filed Oct 29, 2001, 4:41 p.m.: 25 IR 936*)

SECTION 3. 357 IAC 1-7-4 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-7-4 Determining the violation number and count of violations to be assessed

Authority: IC 15-3-3.6-4; IC 15-3-3.6-14.5
Affected: IC 15-3-3.6

Sec. 4. For purposes of imposing civil penalties, the state

chemist shall comply with the following when determining the violation number **and the count of violations:**

(1) Only violations committed after the effective date of this rule shall be considered:

(2) (1) Only violations committed within the immediate past five (5) years of the date of the violation being addressed shall be considered.

(3) (2) A person's violation number shall accumulate as first, second, third, etc., and be considered cumulatively for each violation committed by a separate and distinguishable act of the following violation types: **independently for each violation listed on the schedule.**

(A) Credentials:

(B) Fraudulent acts:

(C) Improper use:

(4) A person's violation number for each violation per incident of the records violation type shall accumulate and be considered independently of the violation types listed in subdivision (3)(A) through (3)(C):

(5) When multiple violations of different violation types are committed by a single act, the violation number considered on the schedule for each violation of each violation type shall accumulate and be considered independently.

(6) (3) When multiple **different but similar or related** violations of the same violation type are committed by a single **distinguishable act or failure to act**, only one (1) of those violations **within that violation type** may be subject to

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a civil penalty for that act. This subdivision is intended to avoid duplicating civil penalty assessment for violation of multiple provisions of the statute or rule that may be essentially the same or closely related. This subdivision is not intended to limit in any way civil penalty assessment for violations that are the result of more than one (1) distinguishable unrelated act or failure to act or a violation of a continuing or repetitive nature.

(4) When civil penalty assessment procedures outlined in subdivision (3) are being followed, the state chemist will utilize the appropriate violation with the highest penalty listed on the schedule.

(Indiana Pesticide Review Board; 357 IAC 1-7-4; filed Jan 9, 1992, 3:00 p.m.: 15 IR 708; readopted filed Oct 29, 2001, 4:41 p.m.: 25 IR 936)

SECTION 4. 357 IAC 1-7-5 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-7-5 Potential penalty mitigation

Authority: IC 15-3-3.6-4; IC 15-3-3.6-14.5

Affected: IC 15-3-3.6

Sec. 5. (a) The amount of a civil penalty may be adjusted within the range listed on the schedule under section 2 of this rule downward to reflect particular factors which that may be aggravating or mitigating. Some factors that may be considered are the following:

- (1) Good faith efforts of the violator to comply.
- (2) ~~Intent of Cooperation~~ by the violator with the state chemist during the investigation process.
- (3) The violator's history of compliance.
- (4) Whether the violation involved a restricted use pesticide, or a nonclassified pesticide.
- (5) ~~Extent of deviation from the statutory or rule requirement.~~
- (6) ~~The potential for damage.~~
- (7) ~~Economic benefit to the violator for noncompliance.~~
- (8) (6) Remedial or corrective action taken by the violator.
- (9) (7) Unusual climatic events.

(b) Failure to pay the full amount of any previously mitigated civil penalty by the date prescribed by the state chemist may subject the violator to the full amount of the nonmitigated civil penalty. (Indiana Pesticide Review Board; 357 IAC 1-7-5; filed Jan 9, 1992, 3:00 p.m.: 15 IR 708; readopted filed Oct 29, 2001, 4:41 p.m.: 25 IR 936)

SECTION 5. 357 IAC 1-7-6 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-7-6 Notification of legal recourse

Authority: IC 15-3-3.6-4; IC 15-3-3.6-14.5

Affected: IC 15-3-3.6-15

Sec. 6. The state chemist shall notify in writing each person on whom a civil penalty is imposed of the following: (1) The

provision under IC 15-3-3.6-14.5(e) that requires the board to approve the imposition of the civil penalty for a person's first violation. (2) The provisions under IC 15-3-3.6-15 for a person's legal recourse and review by the board of any action by the state chemist that may aggrieve that person. (Indiana Pesticide Review Board; 357 IAC 1-7-6; filed Jan 9, 1992, 3:00 p.m.: 15 IR 708; readopted filed Oct 29, 2001, 4:41 p.m.: 25 IR 936)

SECTION 6. 357 IAC 1-7-7 IS ADDED TO READ AS FOLLOWS:

357 IAC 1-7-7 Imposition of civil penalties

Authority: IC 15-3-3.6-4; IC 15-3-3.6-14.5

Affected: IC 15-3-3.6

Sec. 7. (a) Nothing in this rule shall require the state chemist to impose a civil penalty for a violation.

(b) The state chemist may initiate any of the following enforcement actions for a violation instead of or in addition to a civil penalty:

- (1) A warning.
- (2) A citation.
- (3) A license, permit, registration, or certification:
 - (A) denial;
 - (B) modification;
 - (C) suspension; or
 - (D) revocation.
- (4) Referral for criminal prosecution.
- (5) Referral to the U.S. Environmental Protection Agency or other appropriate agency.

(Indiana Pesticide Review Board; 357 IAC 1-7-7)

SECTION 7. 357 IAC 1-7-8 IS ADDED TO READ AS FOLLOWS:

357 IAC 1-7-8 Penalty money collected

Authority: IC 15-3-3.6-4; IC 15-3-3.6-14.5

Affected: IC 15-3-3.6

Sec. 8. (a) The state chemist shall credit all money collected for civil penalties to the Purdue University Cooperative Extension Service.

(b) The Purdue University Cooperative Extension Service shall use the money solely for the purpose of providing education about pesticides. (Indiana Pesticide Review Board; 357 IAC 1-7-8)

SECTION 8. 357 IAC 1-7-3 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 1, 2004 at 10:00 a.m., at the Office of the Indiana State Chemist, Purdue University, 175 South University Street, Room

A151, West Lafayette, Indiana the Indiana Pesticide Review Board will hold a public hearing on proposed amendments to 357 IAC 1-7 to address civil penalties for violations of IC 15-3-3.6, the Indiana Pesticide Use and Application Law, and the rules adopted under that law; to add definitions of new terms introduced as the result of listing each violation individually on the civil penalty schedule rather than grouping the violations by type; to clarify which penalties are to be assessed on a per product, per incident, per day, or per year basis; to add a penalty assessment cap of 180 incidents or 180 days for repetitive violations; to clarify the factors to be considered when mitigating penalties; to clarify that civil penalties are not required nor the sole enforcement action for every violation; and to clarify that the civil penalty money collected is to be used by the Purdue University Cooperative Extension Service solely for providing education about pesticides. Copies of these rules are now on file at the Office of the Indiana State Chemist, Purdue University, 175 South University Street, West Lafayette, Indiana and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

David E. Scott
Secretary
Indiana Pesticide Review Board

TITLE 357 INDIANA PESTICIDE REVIEW BOARD

Proposed Rule
LSA Document #04-160

DIGEST

Amends 357 IAC 1-6 to address civil penalties for violations of IC 15-3-3.5, the Indiana Pesticide Registration Law, and the rules adopted under that law, to add definitions of new terms introduced as the result of listing each violation individually on the civil penalty schedule rather than grouping the violations by type, to clarify which penalties are to be assessed on a per product, per incident, per day, or per year basis, to add a penalty assessment cap of 180 incidents or 180 days for repetitive violations, to clarify the factors to be considered when mitigating penalties, to clarify that civil penalties are not required nor the sole enforcement action for every violation, and to clarify that the civil penalty money collected is to be used by the Purdue University Cooperative Extension Service solely for providing education about pesticides. Effective 30 days after filing with the secretary of state.

- 357 IAC 1-6-1
- 357 IAC 1-6-2
- 357 IAC 1-6-3
- 357 IAC 1-6-4
- 357 IAC 1-6-5
- 357 IAC 1-6-6
- 357 IAC 1-6-7
- 357 IAC 1-6-8

SECTION 1. 357 IAC 1-6-1 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-6-1 Definitions

Authority: IC 15-3-3.5-10; IC 15-3-3.5-18.3
Affected: IC 15-3-3.5-2; IC 15-3-3.5-12

Sec. 1. (a) As used in The following definitions apply throughout this rule: “penalty range” means the civil penalty dollar amount range for each violation type listed in the schedule as specified in section 2 of this rule:

- (1) “Adulterated” means a product as described in IC 15-3-3.5-2(2).
- (2) “Board” means the Indiana pesticide review board created by IC 15-3-3.5-12.
- (3) “Bulk pesticide” means a pesticide as described in IC 15-3-3.5-2(32).
- (4) “Distribute” means to distribute a product, as described in IC 15-3-3.5-2(8).
- (5) “Labeling” means all products labels and written, printed, or graphic material as described in IC 15-3-3.5-2(18).
- (6) “Legal citation” means the Indiana Code (IC) or the Indiana Administrative Code (IAC) section or subsection cited on the schedule to describe the relevant portion of a pesticide law or rule that has been violated.
- (7) “Misbranded” means a product as described in IC 15-3-3.5-2(19).
- (8) “Per day” means the method to be utilized for determining the civil penalty to be assessed for a violation that is of a continuing nature but may be the result of one (1) distinguishable act or failure to act. The violation number shall remain the same when assessing civil penalties for multiple counts of violation on a per day basis.
- (9) “Per incident” means the method to be utilized for determining the violation number for a violation that is usually not of a continuing nature and is the result of a separate and distinguishable act or failure to act. Violations involving separate and distinguishable acts may be assigned accumulating violation numbers.
- (10) “Per product” means the method to be utilized for determining the violation number for a violation that may involve more than one (1) different product. Violations involving multiple products will be assigned accumulating violation numbers.
- (11) “Person” has the meaning set forth in IC 15-3-3.5-2(22).
- (12) “Per year” means the method to be utilized for determining the violation number for a violation that may be documented on several dates or at several locations but is the result of one (1) distinguishable act or failure to act.
- (b) As used in this rule; (13) “Product” means pesticide product as defined in IC 15-3-3.5-2(38).
- (c) As used in this rule; (14) “Schedule” means the civil penalty schedule required by IC 15-3-3.5-18.3(b) and as specified in section 2 of this rule.

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(15) “State chemist” means the Indiana state chemist or his or her appointed agent.

(16) “Violation assessment” means the scheme to be utilized for determining the violation number and the count of violations eligible to be assessed civil penalties on the schedule. This scheme includes the concept of assessing civil penalties on a per incident, per day, per product, and per year basis as indicated on the schedule.

(Indiana Pesticide Review Board; 357 IAC 1-6-1; filed Jan 9, 1992, 3:00 p.m.: 15 IR 706; readopted filed Oct 29, 2001, 4:41 p.m.: 25 IR 936)

SECTION 2. 357 IAC 1-6-2 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-6-2 **Schedule**
 Authority: IC 15-3-3.5-10; IC 15-3-3.5-18.3
 Affected: IC 15-3-3.5

Sec. 2. (a) The schedule of civil penalties for violations of IC 15-3-3.5, the Indiana Pesticide Registration Law, **and the rules adopted under this law** is as follows:

Violation number	Product registration	Product adulteration, misbranding, and packaging	Product handling, storage, and disposal			Stop sale, use or removal order
			1	2	3 and subsequent	
1	\$250*	\$0-\$250	\$0	\$250	\$1,000	\$250
2	\$0-\$500	\$0-\$500	\$0	\$500	\$1,000	\$500
3	\$0-\$1,000	\$0-\$1,000	\$0	\$1,000	\$1,000	\$1,000
Subsequent	\$0-\$1,000	\$0-\$1,000	\$0	\$1,000	\$1,000	\$1,000

Legal Citation	General Description of Violation	Violation Number			Violation Assessment
		1	2	3 and subsequent	
IC 15-3-3.5-3(1)	Distribute a nonregistered product.	\$250	\$500	\$1,000	Per product and per year
IC 15-3-3.5-18.1(a)(1)					
IC 15-3-3.5-3(2)	Distribute a product with labeling different from that registered.	\$100	\$200	\$300	Per product and per year
IC 15-3-3.5-3(3)	Distribute a product with composition different from that registered.	\$250	\$500	\$1,000	Per product and per year
IC 15-3-3.5-3(4)	Distribute a product with incomplete or illegible label or in a container other than manufacturer's immediate unbroken container.	\$250	\$500	\$1,000	Per product and per incident
IC 15-3-3.5-3(5)	Distribute an improperly colored product.	\$250	\$500	\$1,000	Per product and per year
IC 15-3-3.5-3(6), IC 15-3-3.5-18.1(a)(2), and IC 15-3-3.5-18.1(a)(3)	Distribute an adulterated or misbranded product.	\$250	\$500	\$1,000	Per product and per year
IC 15-3-3.5-3(7)	Distribute a product in a container not in compliance with container rules.	\$250	\$500	\$1,000	Per product and per year
IC 15-3-3.5-3(8)	Distribute a highly volatile herbicide.	\$250	\$500	\$1,000	Per product and per incident
IC 15-3-3.5-3(9)	Distribute or store a bulk pesticide without an affixed label.	\$100	\$200	\$300	Per product and per incident
IC 15-3-3.5-4(1)	Detach, alter, deface, or destroy a label or labeling or adulterate a product.	\$250	\$500	\$1,000	Per product and per incident
IC 15-3-3.5-4(2)	Reveal a product formula.	\$250*	\$500*	\$1,000*	Per product and per incident
IC 15-3-3.5-4(3)	Use a pesticide not in compliance with use, distribution, storage, transportation, disposal, or container rules.	\$250	\$500	\$1,000	Per incident
IC 15-3-3.5-25	Sell, use, or remove without permission a product placed under a stop sale, use, or removal order.	\$250*	\$500*	\$1,000*	Per incident
IC 15-3-3.5-33	Store, display, handle, transport, or distribute a product in a hazardous manner.	\$250	\$500	\$1,000	Per incident
IC 15-3-3.5-34	Store, discard, or dispose a product or container in a hazardous manner.	\$250	\$500	\$1,000	Per incident

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357 IAC 1-3-2	Distribute a restricted use pesticide to a noncertified user.	\$250*	\$500*	\$1,000*	Per incident
357 IAC 1-3-3	Distribute a restricted use pesticide without a dealer registration.	\$250	\$500	\$1,000	Per incident
357 IAC 1-3-5(a)	Fail to keep restricted use pesticide distribution records.	\$100	\$200	\$300	Per incident
357 IAC 1-3-5(c)	Fail to keep complete distribution records.	\$25	\$50	\$75	Per incident
355 IAC 5-2-1 and 355 IAC 5-2-4	Store a pesticide in a bulk container made of improper design or materials.	\$100	\$200	\$300	Per incident and per day
355 IAC 5-2-2	Store a pesticide in an underground bulk container.	\$250	\$500	\$1,000	Per incident and per day
355 IAC 5-2-3	Abandon a bulk storage container improperly.	\$250	\$500	\$1,000	Per incident
355 IAC 5-2-6	Fail to vent a bulk storage container.	\$100	\$100	\$100	Per incident
355 IAC 5-2-7	Fail to provide bulk container security.	\$100	\$100	\$100	Per day
355 IAC 5-2-8	Fill bulk container beyond intended capacity.	\$100	\$200	\$300	Per incident
355 IAC 5-2-9	Fail to have proper shut-off valve on bulk container.	\$50	\$50	\$50	Per day
355 IAC 5-2-10	Fail to support bulk container appurtenances.	\$50	\$50	\$50	Per day
355 IAC 5-2-11	Fail to have proper liquid level gauging device on bulk container.	\$50	\$50	\$50	Per incident
355 IAC 5-2-12	Fail to maintain bulk container.	\$100	\$100	\$100	Per day
355 IAC 5-3-1(a)	Fail to carry out operational area activities within contained area.	\$250*	\$500*	\$1,000*	Per incident
355 IAC 5-3-1(b) and 355 IAC 5-3-1(d)	Operate operational area containment with improper design, construction, capacity, or drainage.	\$100	\$200	\$300	Per incident and per day
355 IAC 5-3-1(e)	Fail to remove liquids promptly from operational area containment.	\$100	\$200	\$300	Per day
355 IAC 5-3-1(f)	Fail to protect storage containers and appurtenances from damage by vehicles.	\$250	\$500	\$1,000	Per incident
355 IAC 5-3-1(h)	Fail to maintain operational area containment.	\$100	\$200	\$300	Per day
355 IAC 5-4-1(a)	Store a bulk container outside of secondary containment.	\$250*	\$500*	\$1,000*	Per day
355 IAC 5-4-1(b)	Fail to separate pesticide secondary containment from other materials.	\$100	\$200	\$300	Per day
355 IAC 5-4-1(c)	Fail to maintain required capacity for secondary containment.	\$100	\$200	\$300	Per day
355 IAC 5-4-1(f)	Operate secondary containment with tile drainage within or under the containment.	\$100	\$200	\$300	Per day
355 IAC 5-4-2	Operate secondary containment with improperly constructed or sealed walls.	\$100	\$200	\$300	Per day
355 IAC 5-4-3	Operate secondary containment with improperly constructed or sealed base.	\$100	\$200	\$300	Per day
355 IAC 5-4-4	Operate secondary containment with a relief outlet, valve, or improper pump.	\$100	\$200	\$300	Per day
355 IAC 5-4-7	Operate an improperly designed, constructed, or maintained elephant ring.	\$100	\$200	\$300	Per day
355 IAC 5-4-8(a)	Fail to maintain secondary containment.	\$100	\$200	\$300	Per day
355 IAC 5-4-8(b)	Fail to maintain secondary containment free of debris and foreign matter.	\$25	\$50	\$100	Per day

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355 IAC 5-5-1	Store dry bulk pesticide in improper, nonelevated, uncovered, or unsecured container or manner.	\$250	\$500	\$1,000	Per day
355 IAC 5-8-1	Fail to notify the state chemist annually of the bulk storage facility location and status.	\$50	\$100	\$150	Per year

*This penalty shall **not** be imposed if the responsible person does not register the product within seven (7) business days of the date of receipt of written notification from the state chemist: **subject to the potential for mitigation listed in section 5 of this rule.**

(b) Each penalty for each violation, if the violation is of a continuing nature, shall not be imposed for more than one hundred eighty (180) days when assessed on a per day basis.

(c) Each penalty for each violation, if the violation is of an identical repetitive nature, shall not be imposed for more than one hundred eighty (180) incidents when assessed on a per incident basis. (*Indiana Pesticide Review Board; 357 IAC 1-6-2; filed Jan 9, 1992, 3:00 p.m.: 15 IR 706; readopted filed Oct 29, 2001, 4:41 p.m.: 25 IR 936*)

SECTION 3. 357 IAC 1-6-4 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-6-4 Determining the violation number and count of violations to be assessed

Authority: IC 15-3-3.5-10; IC 15-3-3.5-18.3
Affected: IC 15-3-3.5

Sec. 4. For purposes of imposing civil penalties, the state chemist shall comply with the following when determining the violation number **and the count of violations:**

- ~~(1)~~ Only violations committed after the effective date of this rule shall be considered:
- ~~(2)~~ (1) Only violations committed within the immediate past five (5) years of the date of the violation being addressed shall be considered.
- ~~(3)~~ (2) A person's violation numbers shall accumulate as first, second, third, etc., independently for each violation ~~type~~: **listed on the schedule.**

- (3) **When multiple different but similar or related violations are committed by a single distinguishable act or failure to act, only one (1) of those violations may be subject to a civil penalty for that act. This subdivision is intended to avoid duplicating civil penalty assessment for violation of multiple provisions of the statute or rule that may be essentially the same or closely related. This subdivision is not intended to limit in any way civil penalty assessment for violations that are the result of more than one (1) distinguishable unrelated act or failure to act or a violation of a continuing or repetitive nature.**
- (4) **When civil penalty assessment procedures outlined in subdivision (3) are being followed, the state chemist will utilize the appropriate violation with the highest penalty listed on the schedule.**

(*Indiana Pesticide Review Board; 357 IAC 1-6-4; filed Jan 9, 1992, 3:00 p.m.: 15 IR 706; readopted filed Oct 29, 2001, 4:41*

p.m.: 25 IR 936)

SECTION 4. 357 IAC 1-6-5 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-6-5 Potential penalty mitigation

Authority: IC 15-3-3.5-10; IC 15-3-3.5-18.3
Affected: IC 15-3-3.5

Sec. 5. (a) The amount of a civil penalty may be adjusted **within the range listed on the schedule downward** to reflect particular **mitigating** factors. ~~which may be aggravating or mitigating.~~ Some factors that may be considered are the following:

- (1) Good faith efforts of the violator to comply.
- (2) ~~Intent of Cooperation~~ **by the violator with the state chemist during the investigation process.**
- (3) ~~The~~ violator's history of compliance.
- (4) Whether ~~the~~ violation involved a restricted use pesticide, or a nonclassified pesticide.
- ~~(5) Extent of deviation from the statutory or rule requirement.~~
- ~~(6) (5) The~~ potential for damage.
- ~~(7) Economic benefit to the violator for noncompliance.~~
- ~~(8) (6) Remedial or corrective action taken by the violator.~~

(b) **Failure to pay the full amount of any previously mitigated civil penalty by the date prescribed by the state chemist may subject the violator to the full amount of the nonmitigated civil penalty.** (*Indiana Pesticide Review Board; 357 IAC 1-6-5; filed Jan 9, 1992, 3:00 p.m.: 15 IR 707; readopted filed Oct 29, 2001, 4:41 p.m.: 25 IR 936*)

SECTION 5. 357 IAC 1-6-6 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-6-6 Notification of legal recourse

Authority: IC 15-3-3.5-10; IC 15-3-3.5-18.3
Affected: IC 15-3-3.5

Sec. 6. The state chemist shall notify in writing each person on whom a civil penalty may be imposed of the ~~following~~: **opportunity to obtain a hearing on the proposed action by filing with the board within thirty (30) days notice of the action.**

- (1) ~~The provision under IC 15-3-3.5-18.3(c) that requires the board to approve the imposition of the civil penalty for a person's first violation.~~
- (2) ~~The provisions under IC 15-3-3.5-19 for a person's opportunity to present the person's views, either orally or in~~

writing, with regard to the contemplated proceedings: (Indiana Pesticide Review Board; 357 IAC 1-6-6; filed Jan 9, 1992, 3:00 p.m.: 15 IR 707; readopted filed Oct 29, 2001, 4:41 p.m.: 25 IR 936)

SECTION 6. 357 IAC 1-6-7 IS ADDED TO READ AS FOLLOWS:

357 IAC 1-6-7 Imposition of civil penalties

Authority: IC 15-3-3.5-10; IC 15-3-3.5-18.3
Affected: IC 15-3-3.5

Sec. 7. (a) Nothing in this rule shall require the state chemist to impose a civil penalty for a violation.

(b) The state chemist may initiate any of the following enforcement actions for a violation instead of or in addition to a civil penalty:

- (1) A warning.**
- (2) A citation.**
- (3) A license, permit, registration, or certification:**
 - (A) denial;**
 - (B) modification;**
 - (C) suspension; or**
 - (D) revocation.**
- (4) Referral for criminal prosecution.**
- (5) Referral to the U.S. Environmental Protection Agency or other appropriate agency.**

(Indiana Pesticide Review Board; 357 IAC 1-6-7)

SECTION 7. 357 IAC 1-6-8 IS ADDED TO READ AS FOLLOWS:

357 IAC 1-6-8 Penalty money collected

Authority: IC 15-3-3.5; IC 15-3-3.5-18.3
Affected: IC 15-3-3.5

Sec. 8. (a) The state chemist shall credit all money collected for civil penalties to the Purdue University Cooperative Extension Service.

(b) The Purdue University Cooperative Extension Service shall use the money solely for the purpose of providing education about pesticides. (Indiana Pesticide Review Board; 357 IAC 1-6-8)

SECTION 8. 357 IAC 1-6-3 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 1, 2004 at 9:00 a.m., at the Office of the Indiana State Chemist, Purdue University, 175 South University Street, Room A151, West Lafayette, Indiana the Indiana Pesticide Review Board will hold a public hearing on proposed amendments to 357 IAC 1-6 to address civil penalties for violations of IC 15-3-3.5, the Indiana Pesticide Registration Law, and the rules

adopted under that law; to add definitions of new terms introduced as the result of listing each violation individually on the civil penalty schedule rather than grouping the violations by type; to clarify which penalties are to be assessed on a per product, per incident, per day, or per year basis; to add a penalty assessment cap of 180 incidents or 180 days for repetitive violations; to clarify the factors to be considered when mitigating penalties; to clarify that civil penalties are neither required nor the sole enforcement action for every violation; and to clarify that the civil penalty money collected is to be used by the Purdue University Cooperative Extension Service solely for providing education about pesticides. Copies of these rules are now on file at the Office of the Indiana State Chemist, Purdue University, 175 South University Street, West Lafayette, Indiana and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

David E. Scott
Secretary
Indiana Pesticide Review Board

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

Proposed Rule
LSA Document #04-178

DIGEST

Amends 405 IAC 1-1-5 and 405 IAC 1-1.5-2 to specify that a hospital has 60 days after the date of an overpayment notice to repay the overpayment or to file an appeal to comply with P.L.78-2004. Amends 405 IAC 5-1-5 to update language regarding coding sources. Amends 405 IAC 5-3-13 to eliminate the prior authorization requirement for certain services and to specify that orthodontic procedures for members under 21 years of age for cases of craniofacial deformity or cleft palate are subject to prior authorization. Amends 405 IAC 5-9-1 to allow Medicaid reimbursement for evaluation and management services for 50 office visits per rolling 12 month period without prior authorization. Amends 405 IAC 5-19-1(h) to allow for reimbursement for medical supplies in quantities greater than a one-month supply if the recipient is a Medicare beneficiary and if Medicare allows reimbursement for that quantity. Amends 405 IAC 5-19-10 to specify that Medicaid reimbursement is available for corrective shoe features. Amends 405 IAC 5-26-5 to correct an Indiana Administrative Code reference. Effective 30 days after filing with the secretary of state.

- 405 IAC 1-1-5**
- 405 IAC 1-1.5-2**
- 405 IAC 5-1-5**
- 405 IAC 5-3-13**
- 405 IAC 5-9-1**
- 405 IAC 5-19-1**
- 405 IAC 5-19-10**
- 405 IAC 5-26-5**

Proposed Rules

SECTION 1. 405 IAC 1-1-5 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-1-5 Overpayments made to providers; recovery

Authority: IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3

Affected: IC 4-6-10; IC 4-21.5-3; IC 12-15-1; IC 12-15-6-5; IC 12-15-13-3; IC 12-15-23-2

Sec. 5. (a) Under IC 12-15-21-3(5) and IC 12-15-21-3(7), the office of Medicaid policy and planning (office) may recover payment, or instruct the fiscal contractor to recover payment, from any Medicaid provider for services rendered to an individual, or claimed to be rendered to an individual, if the office, after investigation or audit, finds that:

- (1) the services paid for cannot be documented by the provider as required by 405 IAC 1-5-1;
- (2) the amount paid for such services has been or can be paid from other sources;
- (3) the services were provided to a person other than the person in whose name the claim was made and paid;
- (4) the service reimbursed was provided to a person who was not eligible for medical assistance at the time of the provision of the service;
- (5) the paid claim arises out of any act or practice prohibited by law or by rules of the office;
- (6) overpayment resulted from:
 - (A) an inaccurate description of services or an inaccurate usage of procedure codes;
 - ~~(7) overpayment resulted from~~ (B) the provider's itemization of services rather than submission of one (1) billing for a related group of services provided to a recipient (global billing) as set out in the office's medical policy;
 - ~~(8) overpayment resulted from~~ (C) duplicate billing; **or**
 - ~~(9) overpayment resulted from~~ (D) claims for services or materials determined to have been not medically reasonable or necessary; or
 - ~~(10) (7) overpayment to the provider resulted from any other reason not specified in this subsection.~~

(b) Under IC 12-15-21-3(5), the office may determine the amount of overcharges made by a Medicaid provider by means of a random sample audit. The random sample audit shall be conducted in accordance with generally accepted statistical methods, and the selection criteria shall be based on a table of random numbers derived from any book of random sampling generally accepted by the statistical profession.

(c) The office or its designee may conduct random sample audits for the purpose of determining overcharges to the Indiana Medicaid program. The following criteria apply to random sample audits:

- (1) In the event that the provider wishes to appeal the accuracy of the random sample methodology under IC 4-21.5-3, the provider may present evidence to show that the sample used by the office was invalid and therefore cannot be used

to project the overpayments identified in the sample to total billings for the audit period.

(2) The provider may also conduct an audit, at the provider's expense, of either a valid random sample audit, using the same random sampling methodology as used by the office, or an audit of one hundred percent (100%) of medical records of payments received during the audit period. Any such audit must:

- (A) be completed within one hundred eighty (180) days of the date of appeal; and ~~must~~
- (B) demonstrate that the provider's records for the unaudited services provided during the audit period were in compliance with state and federal law.

The provider must submit supporting documentation to demonstrate this compliance.

(d) If the office determines that an overcharge has occurred, the office shall notify the provider by certified mail. The notice shall include a demand that the provider reimburse the office, within sixty (60) days of the provider's receipt of the notification, for any overcharges determined by the office. ~~Except as provided in subsection (f),~~ A provider who receives a notice and request for repayment may elect to do one (1) of the following:

- (1) Repay the amount of the overpayment not later than sixty (60) days after receiving notice from the office, including interest from the date of overpayment.
- (2) Request a hearing and repay the amount of the alleged overpayment not later than sixty (60) days after receiving notice from the office.
- (3) Request a hearing not later than sixty (60) days after receiving notice from the office and not repay the alleged overpayment, except as provided in subsection (e).

(e) If:

- (1) a provider elects to proceed under subsection (d)(3); and
 - (2) the office of the secretary determines after the hearing and any subsequent appeal that the provider owes the money;
- the provider shall pay the amount of the overpayment, including interest from the date of the overpayment.

~~(f) A hospital licensed under IC 16-21 that receives a notice and request for repayment under subsection (d) has one hundred eighty (180) days to elect one (1) of the actions under subsection (d)(1); (d)(2); or (d)(3).~~

~~(g) (f)~~ Under IC 12-15-23-2, the office may enter into an agreement with the provider regarding the repayment of any overpayment made to the provider. Such agreement shall state that the amount of overpayment shall be deducted from subsequent payments to the provider. Such subsequent payment deduction shall not exceed a period of six (6) months from the date of the agreement. The repayment agreement shall include provisions for the collection of interest on the amount of the overpayment. Such interest shall not exceed the percentage as set out in ~~IC 12-15-13-3(f)(1); IC 12-15-13-3(e)(1).~~

~~(h)~~ (g) Whenever the office determines, after an investigation or audit, that an overpayment to a provider should be recovered, the office shall assess an interest charge in addition to the amount of overpayment demanded. Such interest charge shall not exceed the percentage set out in ~~IC 12-15-13-3(f)(1)~~: **IC 12-15-13-3(e)(1)**. Such interest charge shall be applied to the total amount of the overpayment, less any subsequent repayments. Under IC 12-15-21-3(6), the interest shall:

- (1) accrue from the date of the overpayment to the provider; and ~~shall~~
- (2) apply to the net outstanding overpayment during the periods in which such overpayment exists.

When an overpayment is determined pursuant to the results of a random sample audit, the date the overpayment occurred shall be considered to be the last day of the audit period and interest will be calculated from the last day of the audit period.

~~(i)~~ (h) If the office recovers an overpayment to a provider that is subsequently found not to have been owing to the office, either in whole or in part, then the office will pay to the provider interest on the amount erroneously recovered from the provider. Such interest will accrue:

- (1) from the date that the overpayment was recovered by the office until the date the overpayment is restored to the provider; ~~Such interest will accrue and~~
- (2) at the rate of interest set out in ~~IC 12-15-13-3(f)(2)~~: **IC 12-15-13-3(e)(2)**.

Also, for hospitals that receive a notice that the provider has been underpaid by the office as a result of the cost settlement process, the office will pay interest to the hospital on the amount of the underpayment, consistent with 405 IAC 1-1.5-5(c). The office will not pay interest to a provider under any other circumstances except under the condition described in this subsection.

- ~~(j)~~ (i) If, after receiving a notice and request for repayment, ~~(1) the provider fails to elect one (1) of the options listed in subsection (d) within sixty (60) days, or~~
- ~~(2) a hospital licensed under IC 16-21 fails to elect one (1) of the options listed in subsection (d) within one hundred eighty (180) days;~~

and the administrator determines that reasonable grounds exist to suspect that the provider has acted in a fraudulent manner, then the administrator shall immediately certify the facts of the case to the Indiana Medicaid fraud control unit established under IC 4-6-10.

~~(k)~~ (j) If, at any time after the discovery of the overpayment, the administrator determines that reasonable grounds exist to suspect that the provider has acted in a fraudulent manner, the administrator shall immediately certify the facts of the case to the Indiana Medicaid fraud control unit established under IC 4-6-10.

~~(l)~~ (k) Nothing in this section shall be construed to preclude

the office from revising a provider's rate of reimbursement under 405 IAC 1-12, **405 IAC 1-14.5**, or ~~405 IAC 1-14.1~~ **405 IAC 1-14.6** as a result of an audit. (*Office of the Secretary of Family and Social Services; 405 IAC 1-1-5; filed Sep 23, 1982, 10:05 a.m.: 5 IR 2347; filed Mar 14, 1986, 4:35 p.m.: 9 IR 1859; filed May 22, 1987, 12:45 p.m.: 10 IR 2281, eff Jul 1, 1987; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2567; filed Apr 4, 1995, 10:45 a.m.: 18 IR 2024; errata filed May 17, 1995, 8:10 a.m.: 18 IR 2415; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3371; errata filed Sep 24, 1996, 3:20 p.m.: 20 IR 331; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822*) *NOTE: Transferred from the Division of Family and Children (470 IAC 5-1-3.6) to the Office of the Secretary of Family and Social Services (405 IAC 1-1-5) by P.L.9-1991, SECTION 131, effective January 1, 1992.*

SECTION 2. 405 IAC 1-1.5-2 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-1.5-2 Appeal requests

Authority: IC 12-15-21

Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 12-8-6-6; IC 12-15-13-3

Sec. 2. (a) Appeals governed by this rule will be held in accordance with IC 4-21.5-3, except as specifically set out in this rule. The ultimate authority for purposes of this section is the secretary of family and social services administration, in accordance with IC 12-8-6-6.

(b) A request for an appeal must be filed within the following time limits:

- (1) A request for an appeal of a determination that an overpayment has occurred must be filed within the time limits set out in IC 12-15-13-3.
- ~~(2) A hospital's request for an appeal of an action described in IC 4-21.5-3-6(a)(3) and IC 4-21.5-3-6(a)(4) must be filed within one hundred eighty (180) days.~~

~~(3)~~ (2) All other appeal requests governed by this rule must be filed with the ultimate authority within fifteen (15) calendar days of receipt of the determination by the office of Medicaid policy and planning (office), in accordance with IC 4-21.5-3-7. However, any provider subject to administrative review or reconsideration under this article must seek administrative review or reconsideration ~~prior to before~~ filing an appeal request.

(c) An appeal request must state facts demonstrating that **the petitioner is:**

- (1) ~~the petitioner is~~ a person to whom the order is specifically directed;
- (2) ~~the petitioner is~~ aggrieved or adversely affected by the order; or
- (3) ~~the petitioner is~~ entitled to review under any law.

Failure of the provider to file the appeal request within the time limits listed in subsection (b) will result in the waiver of any right to appeal from the office's determination.

Proposed Rules

(d) The provider must file with the office a statement of issues:

- (1) within forty-five (45) calendar days after the provider receives notice of the determination of the office; or
- (2) at the time the provider files a timely request for appeal; whichever is later.

(e) The statement of issues shall set out in detail:

- (1) the specific findings, action, or determinations of the office from which the provider is appealing; **and**
- (2) with respect to each finding, action, or determination:
 - (A) why the provider believes that the office's determination was in error; and
 - ~~(3) with respect to each finding, action, or determination;~~
 - (B) all statutes or rules supporting the provider's contentions of error.

~~(f) A hospital appealing an action described in IC 4-21.5-3-6(a)(3) and IC 4-21.5-3-6(a)(4) must include its statement of issues in its petition for review.~~

~~(g)~~ (f) The statement of issues shall govern the scope of the issues to be adjudicated in the appeal under this rule. The provider will not be permitted to expand the appeal beyond the statement of issues with respect to **the:**

- (1) ~~the~~ specific findings, action, or determination of the office; or
- (2) ~~the~~ reason or rationale supporting the provider's appeal.

~~(h)~~ (g) The provider may supplement or modify its statement of issues for good cause shown, up to sixty (60) calendar days after the appeal request is mailed to the office. The administrative law judge assigned to hear the appeal will determine good cause.

~~(i)~~ (h) Within thirty (30) days after filing a petition for review, and upon a finding of good cause by the administrative law judge, a hospital appealing an action described in IC 4-21.5-3-6(a)(3) and IC 4-21.5-3-6(a)(4) may amend the statement of issues contained in a petition for review to add one (1) or more additional issues.

~~(j)~~ (i) Failure of the provider to timely file a statement of issues within forty-five (45) calendar days from the date the provider files the appeal request will result in automatic certification to the secretary for summary review, in accordance with section 3 of this rule.

~~(k)~~ (j) Notwithstanding subsections (d) through ~~(g)~~, (f), a hospital provider that files an appeal after a determination regarding year-end cost settlement may preserve any Medicaid issues that are affected by any Medicare appeal issues, by indicating in its statement of issues that Medicare issues timely filed before the fiscal intermediary are also preserved in its Medicaid statement of issues. (*Office of the Secretary of Family and Social Services; 405 IAC 1-1.5-2; filed Oct 31, 1994, 3:30*

p.m.: 18 IR 862; errata filed Feb 28, 1995, 2:30 p.m.: 18 IR 1836; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3374; errata filed Sep 24, 1996, 3:20 p.m.: 20 IR 331; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)

SECTION 3. 405 IAC 5-1-5 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-1-5 Global fee billing; codes

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 5. (a) Providers must submit one (1) billing for a related group of procedures and services provided to a recipient.

(b) ~~Health Care Financing Administration's The Centers for Medicare and Medicaid Service's~~ Common Procedure Coding System (HCPCS) and International Classification of Diseases-9th Revision-Clinical Modification (ICD-9-CM) codes shall be used by providers when submitting medical claims to the contractor for adjudication. American Dental Association codes **from the Current Dental Terminology Users Manual (CDT-4)** shall be used by providers when submitting dental claims to the contractor for adjudication. **Providers must use the most up-to-date versions of these coding classifications.**

(c) Medicaid claims filed by pharmacy providers on the drug claim form/format must utilize an appropriately configured National Drug Code (NDC), Universal Package Code (UPC), Health Related Item Code (HRI), or state-assigned code. When services are billed that have been prior authorized, the procedure code from the prior authorization form shall be utilized. On UB-92 forms, use the appropriate UB-92 Revenue Codes, as well as the narrative descriptions of services, and the appropriate diagnostic and procedure code contained in ICD-9-CM.

(d) Documentation in the medical records maintained by the provider must substantiate the medical necessity for the procedure or service and the code selected or description given by the provider. This is subject to postpayment audit and review. (*Office of the Secretary of Family and Social Services; 405 IAC 5-1-5; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3300; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)*

SECTION 4. 405 IAC 5-3-13, AS AMENDED AT 27 IR 2244, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-3-13 Services requiring prior authorization

Authority: IC 12-8-6-3; IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 13. (a) Medicaid reimbursement is available for the following services with prior authorization:

- (1) Reduction mammoplasties.
- (2) Rhinoplasty or bridge repair of the nose when related to a significant obstructive breathing problem.

- (3) Intersex surgery.
- (4) Blepharoplasties for a significant obstructive vision problem.
- (5) Sliding mandibular osteotomies for prognathism or micrognathism.
- (6) Reconstructive or plastic surgery.
- (7) Bone marrow or stem cell transplants.
- (8) All organ transplants covered by the Medicaid program.
- ~~(9) Plasmapheresis.~~
- ~~(10) Strabismus surgery for patients over ten (10) years of age.~~
- ~~(11) (9) Home health services.~~
- ~~(12) (10) Maxillofacial surgeries related to diseases and conditions of the jaws and contiguous structures.~~
- ~~(13) (11) Temporomandibular joint surgery.~~
- ~~(14) (12) Submucous resection of nasal septum and septoplasty when associated with significant obstruction.~~
- ~~(15) Hysterectomy.~~
- ~~(16) Tonsillectomy.~~
- ~~(17) Tonsillectomy and adenoidectomy.~~
- ~~(18) Cataract extraction.~~
- ~~(19) Surgical procedures involving the foot.~~
- ~~(20) (13) Weight reduction surgery, including gastroplasty and related gastrointestinal surgery.~~
- ~~(21) (14) Any procedure ordinarily rendered on an outpatient basis, when rendered on an inpatient basis.~~
- ~~(22) (15) All dental admissions.~~
- ~~(23) Stress electrocardiograms except for medical conditions.~~
- ~~(24) (16) Brand medically necessary drugs.~~
- ~~(25) (17) Other drugs as specified in accordance with 405 IAC 5-24-8.5.~~
- ~~(26) (18) Psychiatric inpatient admissions, including admissions for substance abuse.~~
- ~~(27) (19) Rehabilitation inpatient admissions.~~
- ~~(28) (20) Assertive community treatment intensive case management as provided under 405 IAC 5-21-1.~~
- (21) Orthodontic procedures for members under twenty-one (21) years of age for cases of craniofacial deformity or cleft palate.**
- ~~(29) (22) As otherwise specified in this article.~~

If any of the surgeries listed in this section are performed during a hospital stay for another condition, prior authorization is required for the surgical procedure.

(b) Requests for prior authorization for the surgical procedures in this section will be reviewed for medical necessity on a case-by-case basis in accordance with this rule. (*Office of the Secretary of Family and Social Services; 405 IAC 5-3-13; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3306; filed Sep 1, 2000, 2:16 p.m.: 24 IR 14; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Jan 7, 2002, 10:11 a.m.: 25 IR 1613; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2244*)

SECTION 5. 405 IAC 5-9-1 IS AMENDED TO READ AS

FOLLOWS:

405 IAC 5-9-1 Limitations

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2; IC 12-15-21-3

Affected: IC 12-13-7-3; IC 12-15

Sec. 1. Medicaid reimbursement is available for office visits limited to a maximum of ~~four (4) per month or twenty (20) fifty (50) per year rolling twelve (12) month period per~~ recipient, per provider without prior authorization and subject to the restrictions in section 2 of this rule. (*Office of the Secretary of Family and Social Services; 405 IAC 5-9-1; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3310; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822*)

SECTION 6. 405 IAC 5-19-1 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-19-1 Medical supplies

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3

Affected: IC 12-13-7-3; IC 12-15-13-6

Sec. 1. (a) Medical and surgical supplies (medical supplies) are:

- (1) disposable items that are not reusable and must be replaced on a frequent basis; ~~Medical supplies are~~
- (2) used primarily and customarily to serve a medical purpose; ~~are~~
- (3) generally not useful to a person in the absence of an illness or injury; and ~~are~~
- (4) covered only for the treatment of a medical condition.

Reimbursement is available for medical supplies subject to the restrictions listed in this section.

(b) Medical supplies include, but are not limited to, the following items:

- (1) Antiseptics and solutions.
- (2) Bandages and dressing supplies.
- (3) Gauze pads.
- (4) Catheters.
- (5) Incontinence supplies.
- (6) Irrigation supplies.
- (7) Diabetic supplies.
- (8) Ostomy supplies.
- (9) Respiratory and tracheotomy supplies.

(c) Covered medical supplies do not include the following items:

- (1) Drug products, either legend or nonlegend.
- (2) Sanitary napkins.
- (3) Cosmetics.
- (4) Dentifrice items.
- (5) Tissue.
- (6) Nonostomy deodorizing products, soap, disposable wipes, shampoo, or other items generally used for personal hygiene.

Proposed Rules

(d) Providers shall bill in accordance with the instructions set forth in the Indiana health coverage programs manual or update bulletins.

(e) Incontinence supplies, including underpads, incontinent briefs and liners, diapers, and disposable diapers, are covered **subject to the following limitations: only:**

- (1) **The supplies in this subsection are covered only** in cases of documented necessity, at a rate determined by the office; **and**
- (2) **The supplies in this subsection are covered only** for recipients three (3) years of age or older.

(f) All medical supplies must be ordered in writing by a physician or dentist.

(g) Medical supplies that are included in facility reimbursement, or that are otherwise included as part of reimbursement for a medical or surgical procedure, are not separately reimbursable to any party. All covered medical supplies, whether for routine or nonroutine use, are included in the per diem for nursing facilities, even if the facility does not include the cost of medical supplies in their facility cost reports.

(h) Reimbursement is not available for medical supplies dispensed in quantities greater than a one (1) month supply for each calendar month, except when:

- (1) packaged by the manufacturer only in larger quantities; **or**
- (2) **the recipient is a Medicare beneficiary and Medicare allows reimbursement for a larger quantity.**

(i) Medical supplies shall be for a specific medical purpose, not incidental or general purpose usage.

(j) Reimbursement for medical supplies is equal to the lower of the following:

- (1) The provider's submitted charges, not to exceed the provider's usual and customary charges.
- (2) The Medicaid allowable fee schedule amount as determined under this section.

(k) The Medicaid allowable fee schedule amount to be effective on the effective date of this rule is the base statewide fee schedule amount equal to the lower of the Medicaid fee schedule amount in effect during **state fiscal year** (SFY) 2001 or the amount determined as follows:

- (1) The average acquisition cost of the item adjusted by a multiplier of one and two-tenths (1.2), if available. If this amount is not available, then subdivision (2).
- (2) The Indiana Medicare fee schedule amount adjusted by a multiplier of no less than eight-tenths (.8), if available. If this amount is not available, then subdivision (3).
- (3) The weighted median of providers' usual and customary charges adjusted by a multiplier of no less than eight-tenths (.8), if available. If this amount is not available, then subdivision (4).

(4) The Medicaid fee schedule amount in effect during **state fiscal year SFY** 2001, if available. If this amount is not available, then subdivision (5).

(5) The average Indiana Medicaid payment amount per item during **state fiscal year SFY** 2001.

(1) The office may review the statewide fee schedule and adjust it as necessary using the:

(1) Medicare fee schedule; **and**

(2) the providers':

(A) usual and customary charges; and **the providers'**

(B) acquisition cost information;

subject to **subsections subsection** (k)(1) through (k)(5). Any adjustments shall be made effective no earlier than permitted under IC 12-15-13-6.

(m) Providers must bill for medical supplies using **the** health care common procedure coding system in accordance with the instructions set forth in the Indiana health coverage programs manual or update bulletins.

(n) Providers must include their usual and customary charge for each medical supply item when submitting claims for reimbursement. Providers shall not use the Medicaid calculated allowable fee schedule amount for their billed charge unless it is less than or equal to the amount charged by the provider to the general public. (*Office of the Secretary of Family and Social Services; 405 IAC 5-19-1; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3328; filed Sep 27, 1999, 8:55 a.m.: 23 IR 313; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Jan 10, 2003, 11:01 a.m.: 26 IR 1901*)

SECTION 7. 405 IAC 5-19-10 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-19-10 Braces and orthopedic shoes

Authority: IC 12-8-6-3; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3

Affected: IC 12-13-7-3; IC 12-15

Sec. 10. Medicaid reimbursement is available for the following:

(1) Braces for the leg, arm, back, and neck.

(2) Orthopedic shoes **and corrective shoe features.**

(3) Corrective features built into shoes, such as heels, lifts, and wedges.

(*Office of the Secretary of Family and Social Services; 405 IAC 5-19-10; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3330; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Oct 3, 2001, 9:47 a.m.: 25 IR 379*)

SECTION 8. 405 IAC 5-26-5 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-26-5 Prior authorization

Authority: IC 12-8-6-3; IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3

Affected: IC 12-13-7-3; IC 12-15

Sec. 5. (a) Prior authorization by the office is required for the following:

- (1) Hospital stays as outlined in ~~405 IAC 5-21~~; **405 IAC 5-17**.
- (2) When a podiatrist prescribes or supplies corrective features built into shoes, such as heels, lifts, and wedges, for a recipient under twenty-one (21) years of age.
- (3) When a podiatrist fits or supplies orthopedic shoes for a recipient with severe diabetic foot disease subject to the restrictions and limitations outlined 405 IAC 5-19.

(b) Medicaid reimbursement is available for the following surgical procedures without prior authorization:

- (1) Surgical cleansing of the skin.
- (2) Drainage of skin abscesses.
- (3) Drainage or injections of a joint or bursa.
- (4) Trimming of skin lesions.

Reimbursement for other surgical procedures performed within the scope of the podiatrist’s license is available subject to the prior authorization requirements of 405 IAC 5-3. (*Office of the Secretary of Family and Social Services; 405 IAC 5-26-5; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3349; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 27, 2004 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Office of the Secretary of Family and Social Services will hold a public hearing on proposed amendments concerning Medicaid overpayment appeals and medical policy. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Cheryl Sullivan
Secretary
Office of the Secretary of Family and Social Services

TITLE 515 PROFESSIONAL STANDARDS BOARD

Proposed Rule
LSA Document #04-197
DIGEST

Adds 515 IAC 10 to specify certain requirements and procedures for the issuance of workplace specialist licenses by the Professional Standards Board. Effective 30 days after filing with the secretary of state.

515 IAC 10

SECTION 1. 515 IAC 10 IS ADDED TO READ AS FOLLOWS:

ARTICLE 10. WORKPLACE SPECIALIST LICENSES

Rule 1. Requirements and Procedures for the Issuance of Workplace Specialist Licenses

515 IAC 10-1-1 Purpose

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 1. The purpose of this rule is to define how teachers may obtain a workplace specialist license beginning January 1, 2005. (*Professional Standards Board; 515 IAC 10-1-1*)

515 IAC 10-1-2 Definitions

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1-4

Sec. 2. The following definitions apply throughout this article:

- (1) “Basic skills test” means the diagnostic instrument as agreed on by the workplace specialist university consortium used to assess reading, mathematics, and language arts skills of individuals holding a workplace specialist license.
- (2) “Beginning teacher” means a person who:
 - (A) holds a workplace specialist initial practitioner license;
 - (B) is employed as a workplace specialist teacher under a contract described in IC 20-6.1-4;
 - (C) is a designated teacher;
 - (D) has not successfully completed the required assessments under this rule; or
 - (E) has not met the waiver requirement as set forth in section 9(b) of this rule.
- (3) “Beginning teacher seminar” means the program initiated after the workplace specialist teacher begins teaching.
- (4) “Beginning workplace specialist assessment” means:
 - (A) a portfolio assessment, if one has been approved by the board for the workplace specialist license;
 - (B) if no portfolio assessment has been approved by the board for the workplace specialist license, an alternative assessment or experience approved by the board; or
 - (C) any general assessments of professional teaching knowledge and performance related to standards-based teaching as the board may by rule require.
- (5) “Career and Technical Student Organization” or “CTSO” means an organization for individuals enrolled in a career and technical education program that engages in career and technical activities as an integral part of the instructional program.

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(6) "Director of career and technical education", for purposes of this rule, may serve in the capacity of the building principal or superintendent.

(7) "Mentor" means a teacher who meets the requirements of section 15 of this rule and has outstanding teaching skills who is assigned by a director of career and technical education to guide the beginning teacher toward attaining skills and practices necessary for excellence in teaching.

(8) "Occupational experience" includes documented practical experience in the specific occupational licensing area and does not include teaching experience.

(9) "PDP representative" means the person:

(A) appointed by the workplace specialist university consortium;

(B) established by the department of education; or

(C) appointed by the board's staff.

(10) "Professional development plan" or "PDP" means a plan signed by the teacher, director of career and technical education, and PDP representative that outlines the activities and points, as set forth in section 14(c) of this rule, that a teacher will complete for continuing education.

(11) "Workplace specialist teacher" means a teacher who is eligible to teach in a grades 9 through 12 vocational or career and technical education program that has been approved by the department of education.

(12) "Workplace specialist university consortium" means a group of university personnel assigned by the department of education to oversee the beginning teacher seminar and is eligible to sign the teacher's initial PDP.

(Professional Standards Board; 515 IAC 10-1-2)

515 IAC 10-1-3 Occupational experience requirements

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 3. (a) A candidate for any workplace specialist license must meet the occupational experience requirements in this subsection. "Occupational experience" means documented experience in the specific career and technical occupational licensing area that meets one (1) of the following:

(1) Six thousand (6,000) clock hours of occupational experience within the last five (5) years in the specific occupational area requested on the license.

(2) Four thousand (4,000) clock hours of occupational experience within the last ten (10) years in the specific occupational area requested on the license and completion of a state-approved occupational competency exam in the occupational area.

(3) Four thousand (4,000) clock hours of occupational experience within the last ten (10) years in the specific occupational area requested on the license and completion of a two (2) year associate's degree or higher from a regionally accredited institution in the specific occupa-

tional area listed on the license.

(4) Four thousand (4,000) clock hours of occupational experience within the last ten (10) years in the specific occupational area requested on the license and an approved apprenticeship or internship program that is a regular part of the training for that specific occupation.

(b) Occupational experience must be verified in one (1) of the following ways:

(1) A letter of work experience on company letterhead including the following:

(A) Dates of employment.

(B) Job duties and titles.

(C) Number of hours completed.

(2) Self-employment may be verified by profit and loss statements from tax forms clearly indicating that area of employment is the same as what is requested on the license. The board may, at the request of staff, request other documentation such as verification of the business through the Indiana Chamber of Commerce to support the tax forms.

(Professional Standards Board; 515 IAC 10-1-3)

515 IAC 10-1-4 License type

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 4. (a) Individuals applying for licensure after January 1, 2005, will receive the workplace specialist license.

(b) Individuals renewing an occupational specialist license issued under 515 IAC 1-1-88 through 515 IAC 1-1-95 will receive the workplace specialist license after January 1, 2005.

(c) The workplace specialist license will incorporate the language set forth in 515 IAC 8-1-2 and include at least one (1) content area and one (1) school setting.

(d) The content area listed on the license shall be taken from the approved content area list (511 IAC 6.1-5.1-9 and 511 IAC 6.1-5.1-10.1) as agreed upon by the Indiana department of education and the board.

(e) The school setting listed on the license shall always be high school. *(Professional Standards Board; 515 IAC 10-1-4)*

515 IAC 10-1-5 Basic requirements

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-1-18-7; IC 20-6.1

Sec. 5. A candidate for any workplace specialist license must meet the following requirements:

(1) Hold a high school diploma.

(2) Be accepted for employment as a workplace specialist teacher in a recognized content area listed on the license by:

- (A) an Indiana school corporation;
- (B) a cooperating school corporation for career and technical education organized under IC 20-1-18-7; or
- (C) an accredited education program offered by the department of correction.

(3) Provide documentation of occupational experience in accordance with section 3 of this rule in the specific career and technical occupational area.

(4) Complete the application process required by the board.

(Professional Standards Board; 515 IAC 10-1-5)

515 IAC 10-1-6 Application requirements

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 6. To be eligible for any workplace specialist license, the applicant must submit the following:

(1) The appropriate completed application form for licensing. The application must contain the signature of the area director of career and technical education verifying the teacher's employment in an approved career and technical education program.

(2) The established fee for the issuance of the license.

(3) Any evidence of the applicant's criminal history including fingerprints and the applicant's Social Security number.

(4) Applicants for licensing shall provide all necessary evidence of eligibility.

(5) Any additional documentation as the board may by rule require.

(Professional Standards Board; 515 IAC 10-1-6)

515 IAC 10-1-7 Initial practitioner application requirements

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 7. In addition to the application requirements set forth in section 6 of this rule, to be eligible for a workplace specialist initial practitioner license, the applicant must submit verification of the following:

(1) The appropriate occupational experience as outlined in section 3 of this rule.

(2) A high school diploma.

(Professional Standards Board; 515 IAC 10-1-7)

515 IAC 10-1-8 Validation date of initial practitioner license

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 8. The workplace specialist initial practitioner license shall be valid for two (2) years from the date the application has been received by the board. The workplace specialist initial practitioner license may be renewed for one (1) additional year at the request of the director of career and

technical education providing the applicant has met the employment criteria noted in section 3 of this rule. In order to renew this license, the applicant must complete all the requirements listed in section 6 of this rule. The license may be converted to the workplace specialist proficient practitioner license when the holder has completed all requirements of the assessment program as described in this rule. *(Professional Standards Board; 515 IAC 10-1-8)*

515 IAC 10-1-9 Original proficient practitioner requirements and application requirements

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 9. (a) In addition to the application requirements set forth in section 6 of this rule, to be eligible for the workplace specialist proficient practitioner license, the applicant must submit the following:

(1) Evidence of successful completion of the beginning teacher seminar.

(2) Evidence of successful completion of the beginning workplace specialist teacher assessment.

(3) Evidence of the completion of a basic skills test.

(4) Submission of an approved PDP.

(b) The beginning teacher seminar, the beginning workplace specialist teacher assessment, and the basic skills test may be waived if the teacher holds one (1) of the following:

(1) Any proficient practitioner instructional, school services, or administration license.

(2) Any:

(A) standard;

(B) provisional; or

(C) professional;

instructional, school services, or administration license and a minimum of two (2) years of full-time teaching experience in an accredited kindergarten through grade 12 school.

(Professional Standards Board; 515 IAC 10-1-9)

515 IAC 10-1-10 Validation date of proficient practitioner license

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 10. The workplace specialist initial practitioner license shall be valid for five (5) years from the date the application has been received by the board. *(Professional Standards Board; 515 IAC 10-1-10)*

515 IAC 10-1-11 Assessment portfolio

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 11. (a) Workplace specialist teachers are required to complete an assessment portfolio as part of their initial practitioner license requirement. The assessment portfolio

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requirements are set forth in 515 IAC 4-2-5.

(b) Incomplete assessments will not be scored and are subject to the rules set forth in 515 IAC 4-2-16. (*Professional Standards Board; 515 IAC 10-1-11*)

515 IAC 10-1-12 Support by school and school employees

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1-6.5; IC 20-1-1.4; IC 20-6.1

Sec. 12. (a) A school and its employees shall support a beginning teacher in an assessment program by doing the following:

- (1) Adopting an assessment plan, adopted pursuant to rules adopted under IC 20-1-1-6.5, that meets the needs of the school and its teachers.
- (2) Supporting the teacher and mentor by allowing adequate time for the teacher and the mentor to communicate about the teacher's work.
- (3) Appointing a mentor who meets the criteria adopted by the board.
- (4) Monitoring changes made by the board, if any, in the applicable teaching and mentor standards and the assessment program.
- (5) Maintaining access to electronic messaging (e-mail) and responding to any inquiries made by the board or under the assessment plan in a timely manner.
- (6) Accommodating teachers who begin teaching during the school year, for example, at the start of the spring semester or other grading period, by providing support and mentoring activities until the beginning of the next school year, which would qualify as the first assessment year under this rule.

(b) On or before October 1 of the first assessment year, or within fifteen (15) days of the teacher's employment if the teacher is employed after October 1, the director of career and technical education or other appropriate supervisor must notify the board on the board's form of the following:

- (1) The name of the following:
 - (A) The employing school corporation.
 - (B) The school in which the teacher is teaching.
 - (C) The mentor assigned to the teacher.
- (2) Necessary information to assure accurate payment of the mentor stipend (515 IAC 4-2-10(c)).

(c) On or before October 1 of the second assessment year, the director of career and technical education or other appropriate supervisor must notify the board on the board's form of the following:

- (1) The name of the following:
 - (A) The employing school corporation.
 - (B) The school in which the teacher is teaching.
 - (C) The mentor assigned to the teacher.
- (2) Necessary information to assure accurate payment of the mentor stipend (515 IAC 4-2-10(c)).

(*Professional Standards Board; 515 IAC 10-1-12*)

515 IAC 10-1-13 Minimum criteria for mentor

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 13. All mentors shall be subject to the minimum criteria for mentors as set forth in 515 IAC 4-2-10. (*Professional Standards Board; 515 IAC 10-1-13*)

515 IAC 10-1-14 Proficient practitioner renewal requirements

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 14. (a) In order to renew a workplace specialist proficient practitioner license, the applicant must submit a PDP.

(b) The PDP must contain all of the following:

- (1) The signatures of the following:
 - (A) The area director of career and technical education.
 - (B) The PDP representative, as jointly assigned by the professional standards board and the department of education.
 - (C) The applicant.
- (2) The minimum of ninety (90) continuing education points to be completed for the renewal of a workplace specialist license.

(c) To qualify for the renewal, the applicant must have obtained a minimum of ninety (90) professional development points in the five (5) year period immediately preceding the submission of the application for renewal. The professional growth experience points shall be calculated with one (1) clock hour qualifying for one (1) professional development point subject to the following limitations:

- (1) College credit up to a maximum of ninety (90) points per renewal.
- (2) Inservice workshop up to a maximum of forty-five (45) points per renewal.
- (3) Professional conference or workshop up to a maximum of forty-five (45) points per renewal.
- (4) New teacher mentoring up to a maximum of thirty-six (36) points per renewal.
- (5) Peer assistance up to a maximum of twenty-five (25) points per renewal.
- (6) Internship in specific trade area up to a maximum of forty (40) points per renewal.
- (7) Educational publication up to a maximum of forty-five (45) points per renewal.
- (8) Elected officer in a state organization up to a maximum of forty-five (45) points per renewal.
- (9) Elected officer in a national organization up to a maximum of ninety (90) points per renewal.
- (10) Successful completion of a national recognized

certificate program with an exam up to a maximum of forty-five (45) points per renewal.

(11) Cooperating teacher for an undergraduate practicum up to a maximum of fifteen (15) points per renewal.

(12) Curriculum development up to a maximum of forty-five (45) points per renewal.

(13) Presentation in teaching field or formal setting up to a maximum of ten (10) points per renewal.

(14) Professional programs or organization committee membership, or both, up to a maximum of thirty (30) points per renewal.

(15) School accreditation activities up to a maximum of fifty (50) points per renewal.

(16) CTSO up to a maximum of thirty (30) points per renewal.

(d) All teachers renewing the workplace specialist license may use a maximum of forty-five (45) points in their licensing and trade area unless the points are earned in subsection (c)(1) or (c)(9).

(e) Any changes in a PDP must be approved by both the director of career and technical education and the PDP representative. (*Professional Standards Board; 515 IAC 10-1-14*)

515 IAC 10-1-15 Proficient practitioner renewal application requirements

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 15. In addition to the application requirements set forth in section 6 of this rule, to renew a workplace specialist proficient practitioner license, the applicant must submit the following:

(1) A PDP, as outlined in section 14(b) of this rule, showing the completion of a minimum of ninety (90) continuing education renewal points following the guidelines set forth in section 14(d) of this rule.

(2) All documentation supporting the completion of the ninety (90) continuing education renewal points.

(3) A PDP, as outlined in section 14(b) of this rule, showing the minimum of ninety (90) continuing education renewal points following the guidelines set forth in section 14(d) of this rule, to be completed for the next renewal.

(4) The license being renewed.

(*Professional Standards Board; 515 IAC 10-1-15*)

515 IAC 10-1-16 Beginning teacher assessment program

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 16. (a) The holder of the initial workplace specialist license must successfully complete a beginning teacher assessment program that will include the following:

(1) A mentor assigned from the school district.

(2) A portfolio assessment.

(b) Teachers eligible to serve as a mentor must hold at least one (1) of the following:

(1) A proficient practitioner instructional license.

(2) Any:

(A) standard instructional license;

(B) occupational specialist II license; or

(C) provisional instructional license;

and two (2) years of full-time teaching experience in an accredited kindergarten through grade 12 school.

(3) A professional instructional license.

(4) An accomplished practitioner instructional license.

(c) Mentor teachers must follow the requirements set forth in 515 IAC 4-2-8.

(d) Mentor teachers will be trained in training programs as set forth in 515 IAC 4.

(e) The holder of the initial workplace specialist license who does not successfully complete the beginning teacher assessment program may be given a third year at the request of the area director of career and technical education and follow the procedures set forth in section 6 of this rule.

(f) The beginning teacher assessment requirements will be waived if the holder has met the requirements set forth in section 9(b) of this rule. (*Professional Standards Board; 515 IAC 10-1-16*)

515 IAC 10-1-17 Out-of-state applicants

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 17. Any applicant from another state will be subject to the requirements set forth in sections 3 and 5 of this rule regardless of the license they may hold in another state. The applicant will complete the application requirements set forth in sections 6 and 7 of this rule. (*Professional Standards Board; 515 IAC 10-1-17*)

515 IAC 10-1-18 Previous rules

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 18. Holders of the occupational specialist license issued under 515 IAC 1-1-88 through 515 IAC 1-1-95 will be grandfathered into the workplace specialist license at the time of their renewal providing they are eligible under section 5 of this rule. (*Professional Standards Board; 515 IAC 10-1-18*)

515 IAC 10-1-19 License revocation, suspension, or surrender; authority; grounds; procedures

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Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 19. All workplace specialist licenses are subject to revocation, suspension, or surrender as outlined in 515 IAC 9-1-18. (*Professional Standards Board; 515 IAC 10-1-19*)

515 IAC 10-1-20 Assessment and Continuing Education Manual

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 20. The board, in coordination with the department of education:

- (1) shall provide an "Assessment and Continuing Education Manual"; and
- (2) will review, and revise if necessary, the manual every five (5) years, or on an as needed basis.

(*Professional Standards Board; 515 IAC 10-1-20*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 27, 2004 at 10:30 a.m., at the Professional Standards Board, 101 West Ohio Street, Suite 300, Indianapolis, Indiana the Professional Standards Board will hold a public hearing on a proposed new rule to provide certain requirements and procedures for the issuance of workplace specialist licenses by the Professional Standards Board. Copies of these rules are now on file at the Professional Standards Board, 101 West Ohio Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Marie Theobald
Executive Director
Professional Standards Board

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Proposed Rule
LSA Document #04-194

DIGEST

Adds 675 IAC 14-4.3, the International Residential Code (IRC) for One and Two Family Dwellings, as the Indiana Residential Code. Repeals 675 IAC 14-4.2. Effective 90 days after filing with the secretary of state.

675 IAC 14-4.2

675 IAC 14-4.3

SECTION 1. 675 IAC 14-4.3 IS ADDED TO READ AS

FOLLOWS:

Rule 4.3. Indiana Residential Code

675 IAC 14-4.3-1 Adoption by reference; title; availability; purpose

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 1. (a) That certain document being titled the 2003 International Residential Code for One and Two Family Dwellings, fifth printing, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, is hereby adopted by reference as if fully set out in this rule save and except those revisions made in this rule.

(b) This rule shall be known as the Indiana Residential Code, 2005 edition, and shall be published, except incorporated documents, by the fire and building services department for general distribution and use under that title. Wherever the term "this code" is used throughout this rule, it shall mean the Indiana Residential Code, 2005 edition.

(c) This rule is available for reference and review at the Department of Fire and Building Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204.

(d) The purpose of this code is to provide minimum requirements for safety and to safeguard property, public safety, and general welfare through affordability, by regulating and controlling the design, construction, installation, and quality of materials of residential structures as regulated by this code. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-1*)

675 IAC 14-4.3-2 Chapter 1; administration

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 4-21.5; IC 4-22-7-7; IC 22-12-1-16; IC 22-12-1-17; IC 22-12-7; IC 22-13-2-7; IC 22-13-5; IC 22-14; IC 22-15; IC 25-4; IC 25-31; IC 36-7

Sec. 2. Delete Chapter 1 and substitute as follows: (a) SECTION R101 Application is added to read as follows: SECTION R101 APPLICATION

The provisions of this code apply to the construction, prefabrication, alteration, addition, and remodel of detached one or two family dwellings and one family townhouses not more than 3 stories in height and their accessory structures.

This code does not apply to manufactured homes as defined in SECTION R202, SECTION AE201, and IC 22-12-1-16 except as addressed in APPENDIX E.

This code does not apply to mobile structures as defined in IC 22-12-1-17.

Townhouses are classified as Class 1 structures and de-

tached one and two family dwellings and their accessory structures are classified as Class 2 structures. Provisions in the appendices are not enforceable unless specifically adopted.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

EXCEPTION: Where the enforcement of a code provision would violate the listing of the equipment, appliance, manufacturer's instructions or certification of engineered products by a registered architect registered under IC 25-4 or a professional engineer registered under IC 25-31, the conditions of the listing, manufacturer's instructions, or professional certification by a registered architect or professional engineer shall apply.

(b) SECTION R102 is added to read as follows: SECTION R102 APPEALS AND INTERPRETATIONS

Appeals from orders issued by the Fire Prevention and Building Safety Commission, the state building commissioner, or the state fire marshal are governed by IC 4-21.5 and IC 22-12-7. Appeals from orders by a local unit of government are governed by IC 22-13-2-7 and local ordinance. Upon the written request of an interested person, the office of the state building commissioner may issue a written interpretation of a building law. The written interpretation as issued under IC 22-13-5 binds the interested person and the county or municipality with whom the interested person has the dispute until overruled under IC 4-21.5. A written interpretation of a building law binds all counties and municipalities if the office of the state building commissioner publishes the written interpretation of the building law in the Indiana Register under IC 4-22-7-7(b).

(c) SECTION R103 is added to read as follows: SECTION R103 PLANS

Plans shall be submitted for Class 1 structures as required by the General Administrative Rules (675 IAC 12-6) and for Class 2 structures as required by local ordinance.

(d) SECTION R104 is added to read as follows: SECTION R104 EXISTING CONSTRUCTION

For existing construction, see the General Administrative Rules (675 IAC 12-4) and local ordinance.

(e) SECTION R105 is added to read as follows: SECTION R105 ADDITIONS AND ALTERATIONS

Additions and alterations to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all the requirements of this code. Additions or alterations shall not cause an existing structure to become unsafe.

(f) SECTION R106 is added to read as follows: SECTION R106 ALTERNATE MATERIALS, METHODS, AND EQUIPMENT

SECTION R106.1 ALTERNATE MATERIALS, METHODS, AND EQUIPMENT

The provisions of this code are not intended to limit the appropriate use of materials, appliances, equipment, or methods of design or construction not specifically prescribed by this code. The building official shall determine equivalence of the proposed alternate materials, appliances, equipment, or method of design or construction of that prescribed in this code in suitability, quality, strength, effectiveness, fire resistance, durability, dimensional stability, safety, and sanitation on the basis of evidence and/or tests as described in R106.2 and R106.3, as suitable to be approved. For Class 1 structures, alternate materials, methods, equipment, and design shall be as required by the General Administrative Rules (675 IAC 12-6-11). Compliance with specific provisions of the Indiana Building Code (675 IAC 13) or the Indiana Plumbing Code (675 IAC 16) in lieu of the requirements of this code shall be permitted as an alternate.

SECTION R106.2 EVIDENCE

The building official may require that evidence or proof be submitted to substantiate any claims that may be made regarding the proposed alternate.

SECTION R106.3 TESTS AND STANDARDS

The determination of equivalence shall be based on design or test methods or approved standards. In addition, the building official may accept as supporting data to assist in this determination duly authenticated reports from the Building Officials and Code Administrators International, Inc., Southern Building Code Congress International, Inc., International Conference of Building Officials, the International Code Council, Inc., or their successors, or acceptance documents from the U.S. Department of Housing and Urban Development, the certification of a registered architect registered under IC 25-4 or a professional engineer registered under IC 25-31, or the General Administrative Rules (675 IAC 12).

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such test shall be retained by the building official for a period

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required for retention of public records.

(g) SECTION R107 is added to read as follows: SECTION R107 WORKMANSHIP

General Workmanship. All construction methods shall be accepted practices to ensure livable and safe housing and shall demonstrate acceptable workmanship. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-2*)

675 IAC 14-4.3-3 Section R202; definitions

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 3. Change SECTION R202 Definitions as follows: (a) Change the definition of ACCESSORY STRUCTURE to read as follows: In one and two family dwellings and for the purpose of APPENDIX E, structures not more than 3 stories high with separate means of egress, and the use of which is incidental to that of the main building and which is located on the same lot.

(b) Change the definition of ALTERATION by deleting “other than repair”.

(c) Change APPROVED to read as follows: APPROVED means, as to materials, equipment, appliances, methods of design, and types of construction, acceptance by the building official by one (1) of the following methods:

(1) investigation or tests conducted by recognized authorities;

(2) investigation or tests conducted by technical or scientific organizations; or

(3) accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment, appliances, methods of design, and types of construction are safe for their intended purpose.

(d) Change the definition of BUILDING, EXISTING to read as follows: BUILDING, EXISTING. Existing building is a building or structure erected prior to the adoption of this code.

(e) Change the definition of BUILDING OFFICIAL to read as follows: BUILDING OFFICIAL, as used in this code, shall be the local official or officials as designated in local ordinance, except it shall be the state building commissioner for Industrialized Building Systems under 675 IAC 15 and IC 22-15 and for plan review for townhouses under 675 IAC 12 and IC 22-15.

(f) Delete the definition of CONSTRUCTION DOCUMENTS and substitute to read as follows: CONSTRUCTION DOCUMENTS. For construction documents, see the General Administrative Rules (675 IAC 12) for Class 1 structures and local ordinance for Class 2 structures.

(g) Delete from the definition of ESSENTIALLY NON-TOXIC TRANSFER FLUIDS the following: “; and FDA-approved boiler water additions for steam boilers”.

(h) Change the definition of EXISTING INSTALLATIONS to read as follows: Any system regulated by this code that was legally installed prior to the effective date of this code.

(i) Add the definition of FAMILY after the definition of FACTORY-BUILT CHIMNEY to read as follows: FAMILY means an individual or 2 or more persons related by blood or marriage and/or a group of not more than 10 persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

(j) Add, in the definition of FOAM PLASTIC INSULATION, “of” between the words “consisting” and “open”.

(k) Add the definition of FOUNDATION WALL after FOAM PLASTIC INSULATION to read as follows: FOUNDATION WALL means the supporting element(s) that extend from the top of the footing to the bottom of the sill plate.

(l) Delete, in the definition of HEATING DEGREE DAY (HDD), “acceptable to the code” and substitute “approved by the building”.

(m) Add the following definitions after INSULATING SHEATHING:

INTERNATIONAL BUILDING CODE means the Indiana Building Code (675 IAC 13).

ICCELECTRICAL CODE means the Indiana Electrical Code (675 IAC 17).

INTERNATIONAL FIRE CODE means the Indiana Fire Code (675 IAC 22).

INTERNATIONAL FUEL GAS CODE means the Indiana Fuel Gas Code (675 IAC 25).

INTERNATIONAL MECHANICAL CODE means the Indiana Mechanical Code (675 IAC 18).

INTERNATIONAL PLUMBING CODE means the Indiana Plumbing Code (675 IAC 16).

(n) Delete the definition of LABELED and substitute to read as follows: LABELED. Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation that maintains periodic inspection or production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(o) Delete the definition of LISTED AND LISTING and substitute to read as follows: LISTED AND LISTING. Equipment or materials included in a list published by an

organization engaged in product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(p) Add the definition of NATIONAL ELECTRICAL CODE after MULTIPLE STATION SMOKE ALARM to read as follows: NATIONAL ELECTRICAL CODE means the Indiana Electrical Code (675 IAC 17).

(q) Add the definition of NFPA 70 after NATURAL DRAFT SYSTEM to read as follows: NFPA 70 means the Indiana Electrical Code (675 IAC 17).

(r) Delete the definition of PERMIT.

(s) Delete, in the definition of PLUMBING, “, repairs, maintenance”.

(t) Delete, in the definition of PLUMBING APPURTENANCE, “, maintenance, servicing, economy”.

(u) Delete the definition of POTABLE WATER and substitute to read as follows: POTABLE WATER. Water that at the point of use is acceptable for human consumption under drinking water standards adopted by the Water Pollution Control Board at 327 IAC 8.

(v) Delete the definition of REGISTERED DESIGN PROFESSIONAL.

(w) Add the definition of RECESSED LIGHT after RECEPTOR to read as follows: RECESSED LIGHT means a light fixture that by design penetrates the thermal boundary of the building.

(x) Delete the definition of ROOF REPAIR.

(y) Add the definition of SLAB-ON-GRADE FLOOR

INSULATION after SKYLIGHT AND SLOPED GLAZING to read as follows: SLAB-ON-GRADE FLOOR INSULATION means insulation around the perimeter of the floor slab or its supporting foundation.

(z) Add the definition of SMOKE ALARM after SLOPE to read as follows: SMOKE ALARM an alarm device that is responsive to smoke.

(aa) Add the definition of TACTILE NOTIFICATION APPLIANCE after SWEEP to read as follows: TACTILE NOTIFICATION APPLIANCE a notification appliance that alerts by sense of touch or vibration.

(bb) Add to the definition of TOWNHOUSE, between “units” and “in”, “separated by property lines”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-3*)

675 IAC 14-4.3-4 Section R301.2; climatic and geographic design criteria

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 4. Delete the last sentence of SECTION R301.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-4*)

675 IAC 14-4.3-5 Sections R301.2.1.1 and R301.2.1.2; design criteria, internal pressure

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 5. Delete SECTIONS R301.2.1.1 and R301.2.1.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-5*)

675 IAC 14-4.3-6 Table R301.2(1); climatic and geographical design criteria

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 6. Delete TABLE R301.2(1) and the corresponding footnotes and substitute to read as follows:

TABLE R301.2(1)

No.	County	Wind Speed ¹ (MPH)	Seismic Zone ²	Ground Snow (PSF)	Foundation ³	Winter Design Temp	Decay	Termite	Weathering ⁴	Ice Shield Under-layment Required	Air Freezing Index	Mean Annual Temp
01	Adams	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1303	50.9
02	Allen	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1490	49.9
03	Bartholomew	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1083	53.1
04	Benton	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1350	49.1
05	Blackford	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1425	51.4
06	Boone	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1401	52.3

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07	Brown	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1080	53.1
08	Carroll	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1321	51.7
09	Cass	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1450	50.3
10	Clark	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	825	54.7
11	Clay	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1175	52.1
12	Clinton	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1405	50.7
13	Crawford	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	750	54.7
14	Daviess	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	743	56.1
15	Dearborn	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	900	50.5
16	Decatur	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1115	52.4
17	Dekalb	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1389	50.0
18	Delaware	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1400	50.8
19	Dubois	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	770	53.9
20	Elkhart	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1358	50.5
21	Fayette	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1369	51.5
22	Floyd	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	770	54.7
23	Fountain	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1525	51.2
24	Franklin	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1174	51.8
25	Fulton	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1553	49.3
26	Gibson	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	893	55.2
27	Grant	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1430	50.3
28	Greene	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	990	52.9
29	Hamilton	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1400	51.5
30	Hancock	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1356	51.6
31	Harrison	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	740	54.7
32	Hendricks	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1175	52.3
33	Henry	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1432	49.9
34	Howard	90	A	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1523	49.6
35	Huntington	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1270	50.4

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36	Jackson	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1048	52.5
37	Jasper	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1647	49.6
38	Jay	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1400	49.7
39	Jefferson	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	870	54.7
40	Jennings	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	789	54.3
41	Johnson	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1390	52.0
42	Knox	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1029	53.4
43	Kosciusko	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1450	49.0
44	LaGrange	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1360	47.9
45	Lake	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1300	49.0
46	LaPorte	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1395	49.7
47	Lawrence	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1115	52.6
48	Madison	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1420	50.8
49	Marion	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1215	51.8
50	Marshall	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1424	50.0
51	Martin	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	849	54.2
52	Miami	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1425	49.4
53	Monroe	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1075	53.1
54	Montgomery	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1435	50.1
55	Morgan	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1200	51.5
56	Newton	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1399	50.2
57	Noble	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1375	49.0
58	Ohio	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	800	53.0
59	Orange	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	988	53.0
60	Owen	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1224	50.1
61	Parke	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1109	53.9
62	Perry	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	731	55.8
63	Pike	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	810	54.8
64	Porter	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1396	49.6

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65 Posey	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	867	55.4
66 Pulaski	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1480	49.7
67 Putnam	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1121	52.6
68 Randolph	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1398	49.9
69 Ripley	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	820	54.5
70 Rush	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1369	51.2
71 St. Joseph	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1379	49.1
72 Scott	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	941	53.9
73 Shelby	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1393	52.6
74 Spencer	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	710	56.2
75 Starke	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1425	49.7
76 Steuben	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1370	47.3
77 Sullivan	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1090	52.7
78 Switzerland	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	727	55.7
79 Tippecanoe	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1557	50.9
80 Tipton	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1420	49.2
81 Union	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1350	51.5
82 Vanderburgh	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	581	57.0
83 Vermillion	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1100	50.8
84 Vigo	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1198	53.1
85 Wabash	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1536	49.0
86 Warren	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1400	51.0
87 Warrick	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	690	56.2
88 Washington	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	950	54.5
89 Wayne	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1383	49.9
90 Wells	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1295	49.9
91 White	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1410	50.3
92 Whitley	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1493	48.8

¹Wind exposure category shall be determined on a site-specific basis in accordance with SECTION R301.2.1.4.

²See SECTION R301.2.2.

³Foundation is minimum foundation depth to bottom of footing from the top of the finished grade above the footing in inches.

⁴The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C216, or C652.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-6*)

675 IAC 14-4.3-7 Figures R301.2(1), R301.2(2), R301.2(3), R301.2(4), R301.2(5), R301.2(6), R301.2(7), and R301.2(8)

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 7. Delete Figures R301.2(1), R301.2(2), R301.2(3), R301.2(4), R301.2(5), R301.2(6), R301.2(7), and R301.2(8). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-7*)

675 IAC 14-4.3-8 Table R301.2.1.2

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 8. Delete Table R301.2.1.2 and the corresponding footnotes. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-8*)

675 IAC 14-4.3-9 Section R301.2.2; seismic provisions

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 9. Change SECTION R301.2.2 to read as follows: The seismic provisions of this code shall apply to buildings constructed in Seismic Design Categories C and C₁ as determined in accordance with this section.

EXCEPTIONS: 1. Detached one and two family dwellings located in Seismic Design Category C are exempt from the seismic requirements of this code.

2. Detached one and two family dwellings located in Seismic Design Category C₁ shall comply with the following sections: R301.2.2.1.1, R301.2.2.3, R403.1.3, R403.1.4, R404.1.1, R404.1.2, R404.1.5, R606.10, R607.1.2, R611, R703.7, R1003.3, R1003.4, M2005.5, and FIGURE R606.10(2).

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-9*)

675 IAC 14-4.3-10 Section R301.2.2.1; determination of seismic design category

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 10. Delete SECTION R301.2.2.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-10*)

675 IAC 14-4.3-11 Section R301.2.2.1.1; alternate determination of seismic design category

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 11. Change SECTION R301.2.2.1.1 as follows: (a)

Change the first sentence to read as follows: The Seismic Design Categories and corresponding Short Period Design Spectral Response Accelerations, S_{DS} are based on soil Site Class D, as defined in the Indiana Building Code, 675 IAC 13.

(b) Change the second sentence to read as follows: If soil conditions are other than Site Class D, the Short Period Design Spectral Response Acceleration, S_{DS}, for a site can be determined according to the Indiana Building Code, 675 IAC 13.

(c) Change the third sentence to read as follows: The value of S_{DS} determined according to the Indiana Building Code, 675 IAC 13, is permitted to be used to set the Seismic Design Category according to TABLE R301.2.2.1.1, and to interpolate between values in TABLES R602.10.3 and R603.7 and other seismic design requirements of this code. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-11*)

675 IAC 14-4.3-12 Section R301.2.2.1.2; alternative determination of seismic design category E

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 12. Delete SECTION R301.2.2.1.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-12*)

675 IAC 14-4.3-13 Section R301.2.2.2; seismic limitations

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 13. Delete SECTION R301.2.2.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-13*)

675 IAC 14-4.3-14 Section R301.2.2.2.2; irregular buildings

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 14. Delete SECTION R301.2.2.2.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-14*)

675 IAC 14-4.3-15 Section R301.2.2.3; Seismic Design Category C

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 15. Make the following changes to SECTION R301.2.2.3: (a) Add “and C₁” to the title.

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(b) Add “and C₁” after “Category C” in the text. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-15*)

675 IAC 14-4.3-16 Section R301.2.4; flood plain construction

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 16. Delete SECTION R301.2.4 and substitute to read as follows: See local ordinance for flood plain construction. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-16*)

675 IAC 14-4.3-17 Section R301.5; live load

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 17. Add a subsection to SECTION R301.5 to read as follows: R301.5.1 Live Load Reduction.

1. Tributary floor area. A structural member which supports a tributary floor area of greater than 200 square feet on a given story is permitted to be designed using a reduced uniform floor live load for each qualifying story in accordance with the following formula:

$$L = L_0 \left[0.25 + \frac{10.6}{\sqrt{A_t}} \right] \geq 0.75 \text{ for } A_t > 200 \text{ ft}^2$$

Where: A_t is the tributary area of floor surface in square feet supported by the structural member and L₀ is the floor live load from TABLE R301.5.

2. Multiple stories. When floor, roof, and attic live loads from multiple story levels are applied to a structural member, the live loads may be factored as follows:

$$L = L_1 + 0.7(L_2 + L_3 + \dots)$$

Where: L₁ is the live load from TABLES R301.5 and R301.6 producing the maximum individual load effect, and L₂, L₃, and so forth are live loads from other sources or stories in accordance with TABLES R301.5 and R301.6

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-17*)

675 IAC 14-4.3-18 Table R301.5; minimum uniformly distributed live loads

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 18. Delete Table R301.5 and the corresponding footnotes and substitute to read as follows:

TABLE R301.5

MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS

USE	LIVE LOAD (pounds per square foot)
Attics–nonaccessible ¹	0
Attics–accessible ²	10

Attics–uninhabitable ³	20
Attics–inhabitable ⁴	30 ⁵
Balconies–exterior	60
Decks	40
Rooms other than sleeping rooms	40
Fire escapes	40
Garages ^{6, 8}	50
Guards and handrails ⁹	200
Sleeping rooms	30
Stairs	40/300 ⁷

¹Attics where attic access is not required by SECTION R807.

²Attics where attic access is provided as required by SECTION R807 and a disappearing stairway or a permanent stairway is not provided. This load shall be noncurrent with any other load.

³Attic spaces having a minimum clear height greater than 6 feet and are not capable of containing the prism described in footnote 4 and are served by a disappearing or a permanent stairway.

⁴Attic spaces that are capable of containing a rectangular prism 7 feet high by 6 feet wide by 8 feet long free of any structural member.

⁵For trusses, the 30 pounds per square foot live load shall be applied over the entire length of the truss panel that contains the prism required by footnote 4.

⁶Passenger cars only.

⁷Individual stair treads shall be designed for the uniformly distributed live load of 40 pounds per square foot or a 300 pound concentrated load acting over an area of 4 square inches, whichever produces the greater stress.

⁸Elevated garage floors shall be capable of supporting a 2,000 pound load applied over a 20 square inch area.

⁹A single concentrated load applied in any direction at any point along the top.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-18*)

675 IAC 14-4.3-19 Section R302.1; exterior walls

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 19. Change SECTION R302.1 as follows: (a) Delete the last sentence of the first paragraph and the first exception without substitution.

(b) Delete the exception to the second paragraph and substitute to read as follows:

EXCEPTIONS: 1. Tool and storage sheds, playhouses, and similar structures are not required to provide wall protection based on location on the lot. Projections beyond the exterior of the structure shall not extend over

the lot line.

2. Where structures are placed closer than 3 feet to the property lines, the one-hour fire-resistive rating shall not apply if a perpetual, platted, and recorded easement creates a nonbuildable separation of at least 6 feet between structures on adjacent properties.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-19)

675 IAC 14-4.3-20 Section R302.2; openings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 20. Add Exception 3 to the end of SECTION R302.2 to read as follows: 3. Where structures are placed closer than 3 feet to the property line, the limitation on openings in exterior walls shall not apply if a perpetual, platted, and recorded easement creates a nonbuildable separation of at least 6 feet between structures on adjacent properties *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-20)*

675 IAC 14-4.3-21 Section R303.1; habitable rooms

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 21. Delete the third sentence of SECTION R303.1. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-21)*

675 IAC 14-4.3-22 Section R303.4.2; exhaust openings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 22. Delete SECTION R303.4.2. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-22)*

675 IAC 14-4.3-23 Section R303.6; stairway illumination

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 23. In the first paragraph, delete everything after the first sentence and substitute to read as follows: For interior stairs the artificial light source shall be capable of illuminating treads and landings to levels not less than 1 foot-candle (11 lux) measured at the center of treads and landings. Exterior stairways shall be provided with an artificial light source located so that the top landing of the stairway is illuminated. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located so that the bottom landing of the stairway is illuminated. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-23)*

675 IAC 14-4.3-24 Section R305.1; minimum height

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 24. Change Exception 4 to SECTION R305.1 to read

as follows: Bathrooms shall have a minimum of 6 feet 8 inches (2,036 mm) at the center of the front clearance area for fixtures as shown in Figure R307.2. Ceiling height above fixtures shall be such that the fixture may be used for its intended purpose. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches (2,036 mm) above a minimum area 30 inches (762 mm) by 30 inches (762 mm) at the showerhead. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-24)*

675 IAC 14-4.3-25 Section R308.4; hazardous locations

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 25. Make the following change to SECTION R308.4: Change Exception 5 to read as follows: 5. Glazing in SECTION 308.4, Item 6, when a protective bar is installed on the accessible sides of the glazing 34 inches (864 mm) to 38 inches (965 mm) above the floor. The bar shall be capable of withstanding a horizontal load of 50 pounds (22.68 kg) per linear foot without contacting the glass and be a minimum of 1½ inches (38 mm) in height. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-25)*

675 IAC 14-4.3-26 Section R309; garages and carports

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 26. Change the title and text of SECTION R309 as follows: (a) Change the title of SECTION R309 to read as follows: **GARAGES, CARPORTS, OR ACCESSORY STRUCTURES.**

(b) Change the text of SECTION R309.2 to read as follows: The garage shall be separated from the residence and its attic area by a smoke separation of not less than ½ inch (13 mm) gypsum board applied to the garage side of the framing.

EXCEPTION: Pull down stairs may be installed in garage/attic separations when installed in a manner that resists the passage of smoke.

(c) Change the second paragraph of SECTIONS R309.3 and R309.4 to read as follows: The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to an approved drain or toward the main vehicle entry doorway.

(d) Delete the title and text of SECTION R309.5, Flood hazard areas, and substitute to read as follows: **R309.5 Detached garages, carports, or accessory structures. R309.5.1 Separation.** Detached garages, carports, or accessory structures shall provide not less than 6 feet of open space between same and the residence, except that such space may be roofed in compliance with Chapters 8 and 9 of this code. Detached garages, carports, or accessory structures separated from the residence by less than 6 feet

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of open space shall be considered the same as attached and shall comply with this code. In no case shall garages, carports, or accessory structures be attached to the dwelling when the footings of the structure to be attached are above the frost line and the adjacent footings of the dwelling are at or below the frost line unless approved by the building official.

R309.5.2 Requirements. Detached garages, detached carports, or accessory structures shall be constructed to

applicable sections of this code unless otherwise noted in TABLE R309. Any habitable rooms(s) located within a detached garage, detached carport, or accessory structure shall meet all applicable sections of this code and shall be provided with an exit door as specified in SECTION R311.1.

(e) Add TABLE R309 at the end of SECTION R309 to read as follows:

TABLE R309
DETACHED GARAGES, DETACHED CARPORTS, OR ACCESSORY STRUCTURES

CONSTRUCTION REQUIREMENTS	Portable 200 Square Feet Maximum	Monolithic ¹ Footings 721 Square Feet Maximum	Structures with Conventional Foundation
Footings and Foundations	No Requirements	8" W × 18" D ² or 12" W × 12" D ²	Indiana Residential Code
Floors	No Requirements	Indiana Residential Code	
Exterior Walls	No Requirements		
Girders and Headers	No Requirements		
Roof Systems	No Requirements		
Electrical Power Limits	One 20 Amp. Circuit		
Water Supply/Sanitation	Not Allowed	1	
Permanent Heat	Not Allowed	1	
Maximum Number of Stories	1	1 ³	3

NOTES:

¹In structures utilizing monolithic floor systems, the water and sanitation systems and permanent heating facilities may be installed when approved flexible connections are provided.

²6 × 6 - W2.9 × W2.9 welded wire fabric or equivalent is required when monolithic slab footing system is used.

³One story unless otherwise approved by the building official.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-26)

675 IAC 14-4.3-27 Section R310; emergency escape and rescue openings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 27. Change SECTION R310 as follows: (a) Change the first sentence of SECTION R310.1 to read as follows: Every sleeping room shall have at least one openable emergency escape and rescue opening.

(b) Delete the second sentence of SECTION R310.1 without substitution.

(c) In SECTION R310.1.2, change "24 inches (610 mm)" to "22 inches (559 mm)".

(d) Add SECTION R310.1.5 to read as follows: R310.1.5 Sleeping room replacement window alterations. When replacing existing sleeping room windows, at least one of the replacement windows within that sleeping room shall comply with SECTION R310.5. Replacement windows that do not meet the current emergency escape requirements of SECTION R310, without structural alterations to the

dwelling, may be installed as long as they meet the following requirements.

1. Replacement window installation shall not reduce the existing net clear opening by more than 6 inches horizontally and 6 inches vertically, except that awning replacement windows shall not reduce the existing net clear opening by more than 3 inches vertically.
2. In no case shall the replacement window net clear opening height be less than 22 inches (559 mm) and the net clear opening width be less than 20 inches (508 mm).
3. Double hung or sliding replacement windows shall have both sashes removable without the use of a key or tool. Single hung installations are not allowed by this section.
4. Casement and awning replacement windows may obtain the required net clear opening with the use of egress hardware.
5. If the replacement window cannot meet the minimum requirements listed in subdivisions 1, 2, 3, and 4, the existing window shall be replaced with a like window without reducing the existing net clear opening.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-27)

675 IAC 14-4.3-28 Section R311.4.3; landings at doors

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 28. Make the following change to SECTION R311.4.3: In the exception to the second paragraph of SECTION R311.4.3, delete “7¼ inches (196 mm)” and substitute “8¼ inches (210 mm)”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-28*)

675 IAC 14-4.3-29 Section R311.4.4; type of lock or latch

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 29. Delete “egress” between “all” and “doors” and delete “or special knowledge or effort” from SECTION R311.4.4. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-29*)

675 IAC 14-4.3-30 Section R311.5.3.1; riser height

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 30. In the first sentence of SECTION R311.5.3.1, delete “7¾ inches (196 mm)” and substitute “8¼ inches (210 mm)”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-30*)

675 IAC 14-4.3-31 Section R311.5.3.2; tread depth

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 31. In the first and fourth sentences of SECTION R311.5.3.2, delete “10 inches (254 mm)” and substitute “9 inches (229 mm)”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-31*)

675 IAC 14-4.3-32 Section R311.5.6.2; continuity

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 32. Change Exception 1 by adding the words “or by a landing” after “turn” and before the “.”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-32*)

675 IAC 14-4.3-33 Section R311.5.6.3; handrail grip size

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 33. Delete the text of SECTION 311.5.6.3 and substitute to read as follows: The handrail grip size portion of handrails shall have a circular cross section of 1¼ inches (32 mm) minimum to 2f inches (80 mm) maximum. Other handrail shapes that provide an equivalent grasping surface are permissible. Edges shall have a minimum radius of C

inch (3.2 mm). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-33*)

675 IAC 14-4.3-34 Section R311.5.8.2; bulkhead enclosure stairways

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 34. Change, in SECTION R311.5.8.1, “egress” to “exit”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-34*)

675 IAC 14-4.3-35 Section R312.1; guards required

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 35. Change SECTION R312.1 as follows: (a) In the first sentence, add “, decks” between “balconies” and “or”.

(b) Add a sentence at the end of the section to read as follows: Guards that are installed on porches, balconies, decks, or raised floor surfaces that are 30 inches (762 mm) or less above the floor or grade are not required to comply with SECTION 312. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-35*)

675 IAC 14-4.3-36 Section R312.2; guard opening limitations

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 36. Add in the first sentence of SECTION R316.2 “, decks” between “balconies” and “and”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-36*)

675 IAC 14-4.3-37 Section R313; smoke alarms

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-11-18
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 37. Delete the text of SECTION R313 and substitute to read as follows: R313.1 Labeling. Each smoke alarm shall be listed:

R313.2 Required smoke alarm locations. At least one smoke alarm shall be installed in each of the following locations:

- (a) In the living area remote from the kitchen and cooking appliances. Smoke alarms located within 20 feet (6.1 m) horizontally of a cooking appliance must incorporate a temporary silencing feature or be photoelectric type.
- (b) In each room designed for sleeping.
- (c) On the ceiling of the upper level near the top or above each stairway, other than a basement stairway, in any multistory dwelling. The alarm shall be located so that smoke rising in the stairway cannot be prevented from reaching the alarm by an intervening door or obstruction.
- (d) On the basement ceiling near the stairway.

R313.2.1 Alterations and additions. When interior alter-

ations or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be provided with smoke alarms located as required for new dwellings; the smoke alarms shall be interconnected and hard wired.

EXCEPTIONS: 1. Smoke alarms in existing areas shall not be required to meet the requirements of R317.5 where the alterations do not result in the removal of the interior wall or ceiling finishes exposing the structure unless there is an attic, crawlspace, or basement available that could provide access for hard wiring and interconnection without the removal of interior finishes.

2. Repairs are exempt from the requirements of this section.

R313.3 Prohibited smoke alarm locations. A smoke alarm required under this section shall not be placed:

1. within 3 feet (914 mm) horizontally from any grille moving conditioned air within the living space; or
2. in any location or environment that is prohibited by the terms of the listing.

R313.4 Mounting requirements. Smoke alarms required by SECTION R313.2 shall be mounted in accordance with their listing, installation instructions, and the requirements of this section.

R313.4.1 Flat Ceilings. In rooms with flat, peaked sloping or single slope ceilings with a slope of less than 1.5/12, smoke alarms shall be mounted either:

1. on the ceiling at least 4 inches (102 mm) from each wall; or
2. on a wall with the top of the alarm not less than 4 inches (102 mm) below the ceiling and not farther from the ceiling than 12 inches (305 mm) or the distance from the ceiling specified in the smoke alarm manufacturer's listing and installation instructions, whichever is less.

R313.4.2 Peaked Sloping Ceilings. In rooms with peaked sloping ceilings with a slope of 1.5/12 or greater, smoke alarms shall be:

1. mounted on the ceiling or wall within 3 feet (914 mm) measured horizontally, from the peak of the ceiling;
2. at least 4 inches (102 mm), measured vertically, below the peak of the ceiling; and
3. at least 4 inches (102 mm) from any projecting structural element.

R313.4.3 Single Slope Ceilings. In rooms with single slope ceilings with a slope of 1.5/12 or greater, smoke alarms shall be:

1. mounted on the ceiling or wall within 3 feet (914 mm), measured horizontally, of the high point of the ceiling; and
2. not closer than 4 inches (102 mm) from any adjoining

wall surfaces or any projecting structural element.

R 313.4.4 Visible and tactile notification appliances. In addition to the smoke alarms required pursuant to this section, listed visible and tactile notification appliances, when installed, shall meet the following:

R313.4.4.1 Candela Rating-Sleeping Room. A visible notification appliance, when installed in a room designed for sleeping, shall have a minimum rating of 177 candela, except that when the visible notification appliance is wall-mounted or suspended more than 24 inches (610 mm) below the ceiling, a minimum rating of 110 candela is permitted.

R313.4.4.2 Candela Rating-Nonsleeping Room. A visible notification appliance, when installed in an area other than a room designed for sleeping, shall have a minimum rating of 15 candela.

R313.5 Connection to Power Source. Each smoke alarm shall be powered from:

1. the electrical system of the home as the primary power source and a battery as a secondary power source; or
2. a battery rated for a 10 year life, provided the smoke alarm is listed for use with a 10 year battery.

EXCEPTION: Visible and tactile notification appliances are required to operate from the primary power source but are not required to operate from a secondary power source.

R313.5.1 Circuitry. Each smoke alarm whose primary power source is the home electrical system shall be mounted on an electrical outlet box and be connected by a permanent wiring method to a general branch circuit. The same branch circuit may serve more than one smoke alarm. The branch circuit for the alarm shall not include any switches between the branch circuit overcurrent protective device and the alarm and shall not be protected by a ground-fault circuit-interrupter.

R313.5.2 Interconnection. When more than one smoke alarm is required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-37*)

675 IAC 14-4.3-38 Section R314.2.3; attics and crawlspaces

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 38. Delete SECTION R314.2.3 and substitute to read as follows; Within an attic or crawlspace, foam plastics shall be protected against ignition by 1½ inch thick mineral fiber insulation, or ¼ inch thick plywood, or ¼ inch

particleboard, or ¼ inch hardboard, or ½ inch gypsum wallboard or corrosion-resistant steel having a base metal thickness of 0.016 inch or other approved material installed in such a manner that the foam plastic is not exposed.

EXCEPTION: Foam plastic insulation may be installed on the walls of attics and crawlspaces with no covering applied provided all the following conditions are met:

1. The maximum thickness/density is within the following:
 - a. Maximum 4 inch thickness with a maximum density of 4.0 pcf.
 - b. Up to 2 inch thickness with a maximum density of 2.5 pcf.
 - c. Up to 1 inch thickness with a maximum density of 2.0 pcf.
2. The maximum flame spread is 25.
3. The maximum smoke development rating is 450.
4. The entry to the attic or crawlspace is made only for service or maintenance (not used for storage).
5. There are not interconnected basement areas.
6. The air in the attic or crawlspace is not circulated to other parts of the building.
7. Where fuel-burning appliances other than direct vent appliances or exposed (not sealed) motors are located more than 10 feet away from the foam insulation in the attic or crawlspace.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-38)

675 IAC 14-4.3-39 Section R317.3.2; membrane penetrations

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 39. In SECTION R317.3.2, change Exceptions 1 and 2 by deleting “as follows:” and substituting “by any of the following:”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-39)*

675 IAC 14-4.3-40 Section R318.1; moisture control

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 40. Delete Exception 3 in SECTION R318.1 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-40)*

675 IAC 14-4.3-41 Section R319.1; location required

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 41. Add a sentence at the end of Item 2 of SECTION 319.1 to read as follows: Minimum height of foundation walls above finish grade are as established in R404.1.6. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-41)*

675 IAC 14-4.3-42 Section R319.1.2; R319.1; location required

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 42. Add an exception to SECTION R319.1, Item 7 to read as follows: **EXCEPTION:** Exterior walls, below grade complying with SECTION R406. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-42)*

675 IAC 14-4.3-43 Section R319.1.2; geographical areas

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 43. Change SECTION R319.1.2 to read as follows: Approved naturally durable or pressure preservative treated wood shall be used for those portions of wood members that form the structural supports of buildings, balconies, decks, porches, or similar permanent building appurtenances when such members are exposed to the weather without adequate protection from a roof, eave, overhang, or other covering that would prevent moisture or water accumulation on the surface or at joints between members. Such members may include the following:

1. Horizontal members, such as girders, joists, and decking.
2. Vertical members, such as posts, poles, and columns.
3. Both horizontal and vertical members.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-43)

675 IAC 14-4.3-44 Section R319.1.3; post, poles, and columns

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 44. Delete, from SECTION R319.1.3, “approved pressure preservative treated wood” without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-44)*

675 IAC 14-4.3-45 Section R319.2; quality mark

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 45. Change, in SECTION R319.2, “approved by an accreditation body” to “accepted by an accreditation body”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-45)*

675 IAC 14-4.3-46 Section R319.3; fasteners

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 46. Delete the text of SECTION R319.3 and substitute to read as follows: Fasteners for pressure preservative treated wood shall be of G185 hot-dipped galvanized steel,

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stainless steel, silicon bronze, copper, or the requirements of the chemical manufacturer of the chemicals used in the treated wood. Except for borate treated wood, aluminum fasteners, hardware, or flashing shall not be in direct contact with pressure preservative treated wood. Fasteners for fire-retardant wood shall be of hot-dipped galvanized steel, stainless steel, silicon bronze, copper, or the requirements of the chemical manufacturer of the chemicals used in the treated wood. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-46)

675 IAC 14-4.3-47 Section R320.1; subterranean termite control

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 47. Delete “favorable to termite damage” and substitute “subject to very heavy termite damage”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-47)

675 IAC 14-4.3-48 Section R320.4; foam plastic protection

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 48. Delete SECTION R320.4. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-48)

675 IAC 14-4.3-49 Section R322; accessibility

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 49. Delete SECTION R322. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-49)

675 IAC 14-4.3-50 Section 323; flood-resistant construction

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 50. Delete SECTION 323 FLOOD-RESISTANT CONSTRUCTION and substitute to read as follows: See local ordinance. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-50)

675 IAC 14-4.3-51 Section 401.1; application

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 51. Delete the exceptions in SECTION 401.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-51)

675 IAC 14-4.3-52 Section R401.3; drainage

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 52. Delete the first sentence of SECTION R401.3.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-52)

675 IAC 14-4.3-53 Section R402.1.2; wood treatment

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 53. Change, in the first sentence of SECTION R402.1.2, “accredited agency” to “approved agency”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-53)

675 IAC 14-4.3-54 Section R403.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 54. Delete, in the first sentence of SECTION R403.1, “continuous”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-54)

675 IAC 14-4.3-55 Section R403.1.1; minimum size

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 55. In SECTION R403.1.1, delete the fifth sentence and substitute to read as follows: The minimum size of footings supporting piers and columns shall be in accordance with TABLE R403.2. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-55)

675 IAC 14-4.3-56 Section R403.1.2; continuous footings in seismic design categories D₁ and D₂

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 56. Delete SECTION R403.1.2. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-56)

675 IAC 14-4.3-57 Section R403.1.3; seismic reinforcing

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 57. Delete the title and text of SECTION R403.1.3 and substitute to read as follows: Footings in Seismic Design Category C₁. In Seismic Design Category C₁, as a minimum requirement, 2 #4 bars shall be placed longitudinally in the bottom of the exterior footings. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-57)

675 IAC 14-4.3-58 Section R403.1.3.1; foundations with stemwalls

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 58. Delete SECTION R403.1.3.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-58)

675 IAC 14-4.3-59 Section R403.1.3.2; slabs-on-ground with turned-down footings

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 59. Delete Section R403.1.3.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-59*)

675 IAC 14-4.3-60 Section R403.1.4.2; seismic conditions

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 60. Change the text of SECTION R403.1.4.2 to read as follows: In Seismic Design Category C₁, interior footings cast monolithically with a slab on grade shall extend to a depth of not less than 8 inches below the top of the slab or to the undisturbed ground or engineered fill, whichever is greater. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-60*)

675 IAC 14-4.3-61 Section R 403.1.4.1; frost protection

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 61. Delete the text of Exception 1 to SECTION 403.1.4.1 and substitute to read as follows: Detached garages, detached carports, or accessory structures built to the requirements of Table 309. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-61*)

675 IAC 14-4.3-62 Section R403.1.6; foundation anchorage

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 62. Make the following changes to SECTION R403.1.6: (a) Change the fourth sentence of the second paragraph to read as follows: Bolts shall be at least ½ inch (13 mm) in diameter and shall extend a minimum 15 inches (381 mm) into the core, cell, or joint of the masonry unit and 7 inches (178 mm) into concrete.

(b) Change the fifth sentence to read as follows: Interior bearing wall sole plates on monolithic slab foundations shall be positively anchored with anchor bolts or approved fasteners in accordance with the manufacturer's instructions. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-62*)

675 IAC 14-4.3-63 Section R403.1.7.3; foundation elevation

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 63. Delete SECTION R403.1.7.3. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-63*)

675 IAC 14-4.3-64 Section R403.1.7.4; alternate setback and clearances

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 64. Delete the second sentence of SECTION R403.1.7.4. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-64*)

675 IAC 14-4.3-65 Section R403.1.8; foundations on expansive soils

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 65. Change SECTION R403.1.8 to read as follows: Foundation and floor slabs for buildings located on expansive soils shall be designed in accordance with the Indiana Building Code (675 IAC 13). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-65*)

675 IAC 14-4.3-66 Table R403.2; size of footings supporting piers and columns

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 66. Add TABLE R403.2 to read as follows:

**TABLE R403.2
 SIZE OF FOOTINGS SUPPORTING PIERS AND COLUMNS**

Spacing of Girder "S" ¹	Type of Loading ²			Column Size Required ³		Size of Plain Concrete Footing Required ³
	A	B	C	Steel	Wood	
10'	5'-6"	---	---	3" Steel Pipe ⁴	4" × 4"	2' × 2' × 8" ⁵
15'	4'-0"	---	---			
20'	---	---	---			
10'	8'-6"	5'-0"	---			
15'	6'-0"	4'-0"	---			
20'	4'-6"	---	---			
10'	12'-0"	9'-0"	8'-0"	6" × 6"	4' × 4' × 16" ⁵	
15'	10'-0"	8'-0"	7'-0"			
20'	8'-0"	7'-0"	6'-0"			

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10'	16'-0"	12'-6"	11'-0"			
15'	13'-6"	10'-6"	10'-0"			
20'	12'-0"	9'-6"	8'-0"			
10'	20'-0"	16'-0"	13'-6"	8" × 8"	4'3" × 4'3" × 17" ⁵	
15'	17'-0"	13'-6"	11'-6"			
20'	15'-0"	12'-0"	10'-0"			

¹The spacing "S" is the tributary load in the girder. It is found by adding the unsupported spans of the floor joists on each side that are supported by the girder and dividing by 2.

²Figures under type of loading columns are the allowable girder span.

Type A loading is for a girder supporting 1 floor and a roof.

Type B loading is for a girder supporting 2 floors and a roof.

Type C loading is for a girder supporting 3 floors and a roof.

³Required size of column is based on girder support from 2 sides. Size of footing is based on allowable soil pressure of 2,000 pounds per square foot.

⁴Schedule 40.

⁵Footing thickness is based on the use of plain concrete with an ultimate compressive strength of not less than 2,000 pounds per square inch at 28 days. If approved, the footing thickness may be reduced based on an engineered design utilizing higher strength concrete and/or reinforcement.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-66)

675 IAC 14-4.3-67 Section R403.3.4; termite damage

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 67. Delete SECTION R403.3.4. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-67)

675 IAC 14-4.3-68 Section R404.1; concrete and masonry foundation walls

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 68. Delete the last sentence of SECTION R404.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-68)

675 IAC 14-4.3-69 Section R404.1.1; masonry foundation walls

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 69. Delete SECTION R404.1.1 and substitute to read as follows: Concrete masonry and clay foundation walls shall be constructed as set forth in TABLES R404.1.1(1), R404.1.1(2), R404.1.1(3), and R404.1.1(4) and shall comply with the provisions of this section and the applicable provisions of SECTIONS R606.1 through R606.10, R607, R608, R609, and R610. Rubble masonry foundation walls shall be constructed in accordance with SECTIONS R404.1.8 and R606.2.2.

EXCEPTION: In Seismic Design Category C₁, TABLE R404.1.1(1) may be used only when the unbalanced fill is 4 feet (1,219 mm) or less. Rubble stone masonry walls shall not be used in Seismic Design Category C₁.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-69)

675 IAC 14-4.3-70 Section R404.1.2; concrete foundation walls

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 70. Delete SECTION R404.1.2 and substitute to read as follows: Concrete foundation walls shall be constructed as set forth in TABLES R404.1.1(1), R404.1.1(2), R404.1.1(3), and R404.1.1(4) and shall also comply with the provisions of this section and the applicable provisions of SECTION R402.2. In Seismic Design Category C₁, TABLE R404.1.1(1) may be used only when the height of the unbalanced fill is 4 feet (1,219 mm) or less. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-70)

675 IAC 14-4.3-71 Section R404.1.5; foundation wall thickness based on walls supported

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 71. Delete the text of SECTION R404.1.5 and substitute to read: The thickness of concrete and masonry walls shall not be less than the thickness of the wall supported.

EXCEPTION: A foundation wall of at least 8 inches (203 mm) thickness shall be permitted:

1. Under brick veneered frame walls.
2. Under 10 inch (254 mm) wide cavity walls where the total height of the walls supported, including gables, is not more than 20 feet (6,096 mm) provided the requirements of SECTIONS R404.1.1 and R404.1.2 are met.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-71)

675 IAC 14-4.3-72 Section R404.1.5.1; pier and curtain wall foundations

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 72. Change, in Item 5 of SECTION R404.1.5.1, “accepted” to “approved”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-72)*

675 IAC 14-4.3-73 Section R404.1.6; height above finished grade

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 73. Delete the text of SECTION R404.1.6 and substitute to read as follows: Concrete and masonry foundation walls shall extend above the finished grade adjacent to the foundation at all points a minimum of 6 inches (152 mm). *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-73)*

675 IAC 14-4.3-74 Section R404.2.1; identification

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 74. Delete the second and third sentences of SECTION R404.2.1. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-74)*

675 IAC 14-4.3-75 Section R404.4; insulating concrete form foundation walls

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 75. Delete the last sentence of SECTION R404.4. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-75)*

675 IAC 14-4.3-76 Section R404.4.7.2; termite hazards

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 76. Delete SECTION R404.4.7.2. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-76)*

675 IAC 14-4.3-77 Section R 405.2.3; drainage system

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 77. Change SECTION R405.2.3 to read as follows: In other than Group I soils, a sump pit shall be provided to drain the porous layer and footings. The sump pit shall be a minimum of 18 inches (457 mm) in diameter or equivalent and a minimum of 24 inches (610 mm) below the bottom of the basement floor. Where a porous layer of gravel, crushed stone, or coarse sand is used between the soil and the concrete floor slab, openings shall be made in the sump pit to allow drainage of that layer. The sump pit shall be

capable of positive gravity or mechanical drainage to remove any accumulated water.

EXCEPTION: When a gravity drain system is used a sump pit is not required.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-77)

675 IAC 14-4.3-78 Section R407.3; structural requirement

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 78. In the first sentence of SECTION R407.3, add “top and” after “the” and before “bottom”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-78)*

675 IAC 14-4.3-79 Section R408.2; openings for under-floor ventilation

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 79. Make the following changes to SECTION R408.2:
(a) Change Exception 1 to read as follows: Ventilation openings to the outdoors are not required if ventilation openings to the interior are provided.

(b) Amend Exception 5 as follows: delete “Section N1102.1.7” and substitute “Chapter 11 of this code”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-79)*

675 IAC 14-4.3-80 Section R408.3; access

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 80. Change SECTION R408.3 to read as follows: An access opening 24 inches by 18 inches (610 mm) by (457 mm) shall be provided to the underfloor space. When the underfloor space access opening is through a wall, the opening shall be a minimum of 24 inches (609 mm) wide by 16 inches (406 mm) high with an areaway provided for access to the underfloor opening. The areaway shall be not less than 24 inches (609 mm) long parallel to the wall at the access opening by 16 inches (406 mm) wide perpendicular to the wall at the center of the access opening. The bottom of the areaway shall be below the threshold of the access opening. The underfloor access opening shall not be under a door. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-80)*

675 IAC 14-4.3-81 Section R408.6; flood resistance

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 81. Delete the title and text of SECTION R408.6 and substitute to read as follows: Underfloor drainage. In other than Group I soils, underfloor spaces shall be drained to prevent water accumulation by one of the following methods:

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1. The underfloor space shall be graded at a slope of not less than 1 inch (25 mm) for each 10 feet (3,048 mm) to a gravity discharge or a sump pit having a minimum size of 18 inches (457 mm) in diameter by 24 inches (610 mm) deep installed below the lowest point of the slope so that, in the event of excess water accumulation, a sump pump can be readily installed.

2. The underfloor space shall be graded at a slope of not less than ½ inch (13 mm) for each 10 feet (3,048 mm) to a gravity discharge or a sump pit having a minimum size of 18 inches (457 mm) in diameter by 24 inches (610 mm) deep installed below the lowest point of the slope and not less than 3 inches (76 mm) of granular material shall be placed between the ground surface and the vapor retarder so that, in the event of excess water accumulation, a sump pump can be readily installed.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-81)

675 IAC 14-4.3-82 Section R502.1; identification

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 82. Delete the last sentence of SECTION R502.1.
(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-82)

675 IAC 14-4.3-83 Section R502.2.1; decks

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 83. Change SECTION R502.2.1 as follows: (a) Change the second sentence to read “Such attachment shall be made with bolts or lag screws, according to Table R502.2.1.”.

(b) In the third sentence, delete “verified during construction” and substitute “achieved”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-83)*

675 IAC 14-4.3-84 Table R502.2.1; MAXIMUM SPACING OF FASTENERS FOR LEDGERS SUPPORTING DECKS

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 84. Add TABLE R502.2.1 as follows:

TABLE R502.2.1

SPACING OF FASTENERS FOR LEDGERS SUPPORTING DECKS

MAXIMUM FASTENER SPACING IN INCHES^{a, c, f}

JOIST SPAN	6'	8'	10'	12'	14'	16'	18'
Lag Screws ^{b, d, e}	30	23	18	15	13	11	10
Bolts ^{b, e}	36	36	34	29	24	21	19

^aBolts or lag screws shall be a minimum of ½ inch in diameter.

^bAssumes connection directly to 1½ inch thick solid wood or 1C inch thick composite wood band joist or through maximum ½ inch thick wood sheathing to band joist.

^cFlash ledger in accordance with Section R703.8(5).

^dLag screws shall fully penetrate the band joist and be staggered to prevent splitting.

^eWashers shall be installed under lag screw heads, bolt heads, and nuts. Carriage bolts shall have a washer under the nut.

^fLedgers shall be anchored to the band joist with a minimum of two fasteners per ledger section with one fastener located not more than 12 inches (30.5 cm) or less than seven bolt diameters from the end of each ledger section.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-84)

675 IAC 14-4.3-85 Figure R502.2; floor construction

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 85. Add a note to the joist between the fireplace and the center girder to read as follows: TAIL JOIST - SEE SECTION R502.10. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-85)*

675 IAC 14-4.3-86 Section R502.8.1; sawn lumber

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 86. Add an exception to SECTION R502.8.1 to read as follows: EXCEPTION: In 2 × 8 and larger solid lumber joists, holes up to 50 percent of the actual joist depth may be drilled at the center of the joist depth in the second and fifth sixths of the joist span. When the joist spans 90 percent or less of its maximum allowed span per TABLE R502.3.1(1) or R502.3.1(2), such holes may also be located in the center third of the joist span. Such hole shall be no closer than 6 inches (152 mm) from any other hole. Except for end notches, no notches may be in the same half of the span as a hole allowed by this exception. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-86)*

675 IAC 14-4.3-87 Figure R502.8; cutting, notching, and drilling

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 87. Delete FIGURE R502.8 and substitute as follows: FIGURE R502.8:

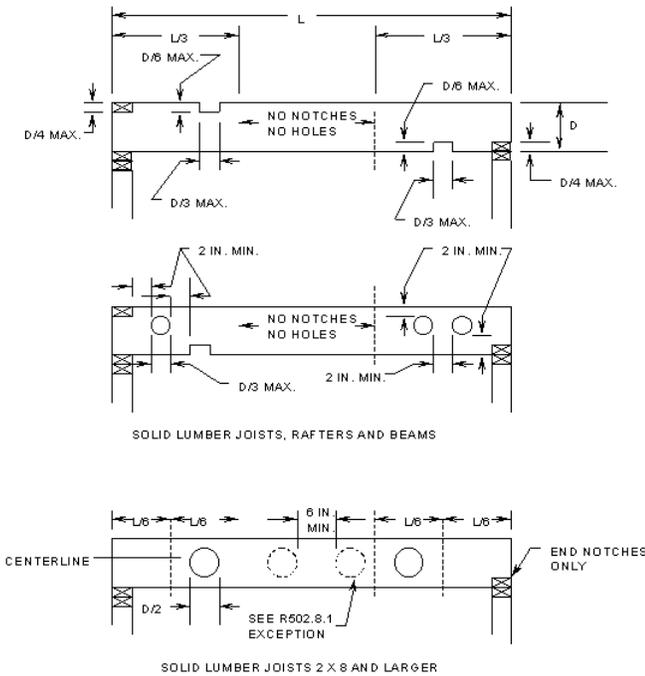


FIGURE R502.8
CUTTING, NOTCHING AND DRILLING

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-87)

675 IAC 14-4.3-88 Section R502.11.1; design

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 88. Delete the last sentence of SECTION R502.11.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-88)

675 IAC 14-4.3-89 Section R502.11.3; alterations to trusses

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 25-4; IC 25-31; IC 36-7

Sec. 89. Change the first sentence of SECTION R502.11.3 to read as follows: Truss members and components shall not be cut, notched, spliced, or otherwise altered in any way without the acceptance of the change by an architect registered under IC 25-4 or a professional engineer registered under IC 25-31. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-89)

675 IAC 14-4.3-90 Section R502.11.4; truss design drawings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 90. Delete SECTION R502.11.4 and substitute to read as follows: Truss design drawings shall be provided to the building official as required by the General Administra-

tive Rules (675 IAC 12) for Class 1 structures or by local ordinance for Class 2 structures. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-90)

675 IAC 14-4.3-91 Section R602.1; identification

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 91. Delete the last sentence of SECTION R602.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-91)

675 IAC 14-4.3-92 Section R602.3; design and construction

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 92. In the third sentence of SECTION R602.3, delete “foam plastic sheathing” and substitute “nonstructural sheathing”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-92)

675 IAC 14-4.3-93 Figure R602.3(1); typical wall, floor, and roof framing

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 93. Change the note in FIGURE R602.3(1) stating “FOR BLOCKING AND BRIDGING - SEE SECTION R502.5” to read “FOR BLOCKING AND BRIDGING—SEE SECTION R502.7”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-93)

675 IAC 14-4.3-94 Figure R602.6(2); notching and bored hole limitations for interior nonbearing walls

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 94. Delete FIGURE R602.6(2) and insert FIGURE R602.6(2) to read as follows:

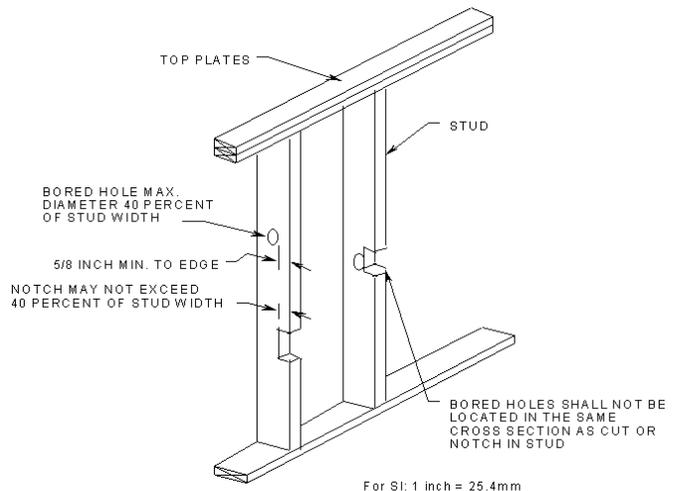


FIGURE R602.6(2)
NOTCHING AND BORED HOLE LIMITATIONS FOR INTERIOR NONBEARING WALLS

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(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-94)

675 IAC 14-4.3-95 Section R602.7; headers

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 95. Amend SECTION R602.7, Headers, by adding a section to read as follows: SECTION R602.7.3, Location. Headers less than 2 inches (51 mm) in width that span more than 8 feet (2,438 mm) or headers less than 4 inches (102 mm) in width that span more than 16 feet (4,877 mm) shall be located at the top of the wall immediately below the top plate.

EXCEPTION: When a minimum of $\frac{1}{4}$ inch (10 mm) structural wood sheathing is applied from the bottom of the header to the top of the wall and all joints on structural members are fastened in accordance with TABLE R602.3(1) or TABLE R602.3(2).

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-95)

675 IAC 14-4.3-96 R602.10.1; braced wall lines

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 96. Add a new paragraph after the first paragraph to SECTION R602.10.1 to read as follows: In an interior braced wall line out-of-plane offsets of up to 12 feet shall be permitted provided that the total out-to-out offset dimension in the braced wall line is not more than 12 feet. When the 4 foot offset or 8 foot out-to-out is exceeded in the braced wall line, the amount of bracing shall be increased by 50 percent. This increase shall be in addition to any other required increase. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-96)

675 IAC 14-4.3-97 R602.10.1.1; spacing

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 97. Change 2 in the exception to SECTION R602.10.1.1 to read as follows: The length-to-width ratio for the floor or roof diaphragm does not exceed 3:1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-97)

675 IAC 14-4.3-98 Table R602.10.1; wall bracing

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 98. Change footnote (a) in TABLE R602.10.1 by deleting “Section 1615 of the International Building Code” and substituting “the Indiana Building Code (675 IAC 13)”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-98)

675 IAC 14-4.3-99 Table R602.10.5; continuous structural panel sheathing

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 99. Make the following changes to SECTION 602.10.5: (a) In the first sentence, delete “and interior braced wall lines, where required.”.

(b) Add an exception to read as follows: **EXCEPTION:** Vertical wall segments in the first of one or first of two story buildings next to garage openings shall be permitted to have 6:1 height-to width ratio (with height being measured from top of header to sill plate) when constructed in accordance with the following provisions. Each panel shall have a length of not less than 16 inches (406 mm) and a height of not more than 10 feet (3048 mm). Each panel shall be sheathed on one face with a single layer of $\frac{1}{4}$ inch-minimum thickness (9.5 mm) wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Figure R602.10.5(2). The wood structural panel sheathing shall extend up over the solid swan or glued-laminated header and shall be nailed in accordance with Figure R602.10.5(2). The header shall extend between the inside faces of the first full-length outer studs of each panel. The clear span of the header between the inner studs of each panel shall be not less than 6 feet (1,829 mm) and not more than 18 feet (5,486 mm) in length. A strap with an uplift capacity of not less than 1,000 pounds (454 kg) shall fasten the header to the side of the inner studs opposite the sheathing. Two anchor bolts shall be installed in accordance with Section 403.1.6, and plate washers shall be a minimum of 2 inches by 2 inches by $\frac{3}{16}$ inch (51 mm by 51 mm by 4.8 mm) thick and shall be used on each bolt. This exception is only permitted in Seismic Design Categories A-C.

(c) Add Figure R602.10.5(2) to read as follows:

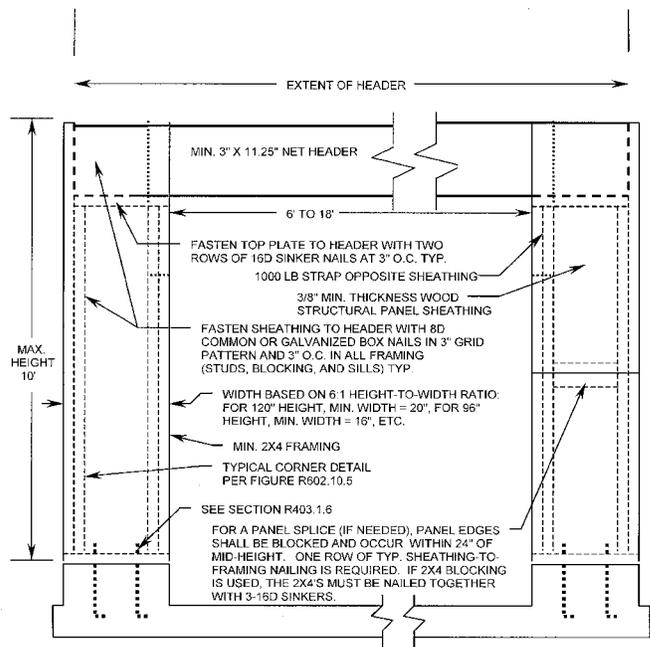


FIGURE R602.10.5(2)
GARAGE DOOR BRACED WALL PANEL FOR USE
WITH CONTINUOUSLY SHEATHED WALLS

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-99)

675 IAC 14-4.3-100 Table R602.10.11; adjustment of bracing amounts for interior braced wall lines according to braced wall line spacing

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 100. Change Table R602.10.11 by deleting “Table R602.10.3” in the second column and substituting “Table R602.10.1”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-100)*

675 IAC 14-4.3-101 Section R604.1; identification and grade

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 101. In the last sentence of SECTION R604.1, delete “or certificate of inspection issued by an approved agency”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-101)*

675 IAC 14-4.3-102 Section R604.3; installation

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 102. Delete the last sentence of SECTION R604.3 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-102)*

675 IAC 14-4.3-103 Section R605.1; identification and grade

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 103. Delete, from the first sentence of SECTION R605.1, “or certificate of inspection issued by an approved agency”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-103)*

675 IAC 14-4.3-104 Section R606.1.1; professional registration not required

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 104. Delete SECTION R606.1.1. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-104)*

675 IAC 14-4.3-105 Section R606.2; thickness of masonry

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 105. Add a second sentence to SECTION R606.2 to read as follows: The nominal thickness of foundation walls shall conform to the requirements of SECTION R404. *(Fire*

Prevention and Building Safety Commission; 675 IAC 14-4.3-105)

675 IAC 14-4.3-106 Section R606.2.1; minimum thickness

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 106. Delete the last sentence of SECTION R606.2.1 and substitute to read as follows: The minimum thickness of masonry foundation walls shall comply with SECTION R404. Masonry walls, except masonry foundation walls, shall be laterally supported in either the horizontal or vertical direction at intervals as required by SECTION R606.8. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-106)*

675 IAC 14-4.3-107 Section R606.10; anchorage

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 107. Add an exception to SECTION R606.10 to read as follows: EXCEPTION: Masonry foundation walls in Seismic Design Category C₁ are exempt from the requirements of Figure R606.10(3) and shall comply with the requirements of SECTION R404. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-107)*

675 IAC 14-4.3-108 Section R606.11; seismic requirements

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 108. Make the following changes to SECTION R606.11: (a) Add, at the end of the first sentence, “C₁” between “C” and “D₁”.

(b) Add an exception to read as follows: EXCEPTION: Masonry foundation walls in Seismic Design Category C and C₁ are exempt from the requirements of Figure R606.10(3) and shall comply with SECTION R404. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-108)*

675 IAC 14-4.3-109 Section R606.11.2; Seismic Design Category C

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 109. Make the following changes to SECTION R606.11.2: (a) Change the title and text of SECTION R606.11.2 to read as follows: Seismic Design Category C and C₁. Structures located in Seismic Design Category C and C₁ shall comply with the requirements of this section.

(b) Add an exception to read as follows: EXCEPTION: Masonry foundation walls in Seismic Design Category C and C₁ are exempt from the requirements of Figure

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R606.10(3) and shall comply with SECTION R404. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-109*)

675 IAC 14-4.3-110 Figure R606.10(2); requirements for reinforced grouted masonry construction in Seismic Design Category C

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 110. Add, to the end of the title to FIGURE R606.10(2), “and C₁”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-110*)

675 IAC 14-4.3-111 Section R607.1.2; masonry in seismic design categories A, B, C, and C₁

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 111. Change SECTION R607.1.2 to read as follows: **R607.1.2** Masonry in Seismic Design Categories A, B, C, and C₁. Mortar for masonry serving as the lateral-force-resisting system in Seismic Design Categories A, B, C, and C₁ shall be Type M, S or N mortar. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-111*)

675 IAC 14-4.3-112 Section R609.1.5; cleanouts

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 112. Change SECTION R609.1.5 to read as follows: **Cleanouts shall be provided as specified in this section. The cleanouts shall be sealed before grouting.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-112*)

675 IAC 14-4.3-113 Section R609.4.1; construction

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 113. Delete, in SECTION R609.4.1, Item 4, the following: “and special inspection during grouting shall be required”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-113*)

675 IAC 14-4.3-114 Section R611.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 114. Delete the last sentence of SECTION R611.1 and substitute to read as follows: “In Seismic Design Category C₁, for a townhouse having one or more insulating concrete form exterior walls, the noninsulating concrete form walls and interior bearing walls shall comply with the provisions of SECTION R611”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-114*)

675 IAC 14-4.3-115 R703.4; weather-resistant siding attachment and minimum thickness

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 115. Change TABLE R703.4 as follows: (a) Change footnote m to read as follows: For masonry veneer, a weather-resistant sheathing paper is not required over water-repellent sheathing materials applied according to manufacturer’s instructions and a ¾ inch (19 mm) air space is provided. When the ¾ inch (19 mm) space is filled with mortar, a weather-resistant sheathing paper is required over the sheathing.

(b) In the column titled “Sheathing paper required”, add a footnote designation “s” at all three (3) places for Horizontal Aluminum and for Vinyl Siding.

(c) Add a new footnote “s” to read as follows: Unless required by the siding manufacturer’s installation instructions. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-115*)

675 IAC 14-4.3-116 Section R703.7; stone and masonry veneer, general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 116. Change Exception 2 in SECTION R703.7 by adding “and C₁” after “C” and before the “;”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-116*)

675 IAC 14-4.3-117 Figure R703.7; masonry veneer wall details

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 117. Change FIGURE R703.7 by changing “1 inch” to “¾ inch” in two (2) places. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-117*)

675 IAC 14-4.3-118 Section R703.7.4.2; air space

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 118. Delete the text of SECTION R703.7.4.2 and substitute to read as follows: The masonry veneer shall be separated from the sheathing by an air space of not less than ¾ inch (19 mm) but not more than 4½ inches (114 mm) The weather-resistant sheathing paper as required by SECTION R703.2 is not required over water-repellent sheathing materials installed according to manufacturer’s instructions. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-118*)

675 IAC 14-4.3-119 Section R703.7.4.3; mortar or grout filled

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 119. Amend SECTION R703.7.4.3 by deleting “1 inch (25.4 mm)” and inserting “³/₄ inch (19 mm)”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-119*)

675 IAC 14-4.3-120 Section R703.7.6; weepholes
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 120. Delete the title and text of SECTION R703.7.6 and substitute as follows: **R703.7.6 Drained cavity.** The ³/₄ inch (19 mm) air cavity shall be drained to the exterior of the structure at intervals of not more than 33 inches (838 mm) on center. Each drain shall be not less than ³/₁₆ inch (4.8 mm) in diameter, located immediately above the flashing. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-120*)

675 IAC 14-4.3-121 Section R703.8; flashing
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 121. In SECTION 703.8, delete Item 1 and substitute to read as follows: **1. Corrosion-resistive flashing shall be provided at the sill, jambs, and top of all windows and door openings, applied shingle fashion in such a manner as to be leakproof. Tops of trim over these openings will also be head flashed in a manner as to direct water over the exterior wall cladding and not behind such trim. This head flashing may be omitted when protected by a soffit, porch, or similar overhang. Windows, indicated by the manufacturer as self-flashing, having a continuous lap of not less than 1C inches (28 mm) over the sheathing material or building paper around the entire perimeter of the opening, including corners, do not require additional flashing.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-121*)

675 IAC 14-4.3-122 Section R802.1; identification and grade
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 122. Delete the last sentence of SECTION R802.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-122*)

675 IAC 14-4.3-123 Section R802.10.1; truss design drawings
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 123. Delete SECTION R802.10.1 and substitute to read as follows: **Truss design drawings shall be provided to the building official as required by the General Administra-**

tive Rules (675 IAC 12) for Class 1 structures or by local ordinance for Class 2 structures. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-123*)

675 IAC 14-4.3-124 Section R802.10.2; design
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 124. Delete the last sentence of SECTION R802.10.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-124*)

675 IAC 14-4.3-125 Section R802.10.3; bracing
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 125. Change the first sentence of SECTION R802.10.3 to read as follows: **Trusses shall be braced to prevent rotation and to provide lateral stability, when subject to the design, live, wind, snow, and seismic loads in Table R301.2(1).** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-125*)

675 IAC 14-4.3-126 Section R802.10.4; alterations to trusses
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 25-4; IC 25-31; IC 36-7

Sec. 126. Change the first sentence of SECTION R802.10.4 to read as follows: **Truss members shall not be cut, notched, drilled, spliced, or otherwise altered in any way without the acceptance of an architect registered under IC 25-4 or a professional engineer registered under IC 25-31, the manufacturer of the truss members, or approved by the building official.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-126*)

675 IAC 14-4.3-127 Section R802.10.5; truss to wall connection
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 127. Change SECTION R802.10.5 as follows: (a) Delete “approved connector” and substitute “mechanical fasteners or connectors”.

(b) Add an exception to read as follows: **EXCEPTION: When the uplift shown on the truss drawing is less than 175 pounds the uplift on the drawing may be used.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-127*)

675 IAC 14-4.3-128 Section R803.2.1; identification and grade
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 128. Delete, from the first sentence of SECTION

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R803.2.1, “or certificate of inspection issued by an approved agency”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-128*)

675 IAC 14-4.3-129 Section R806.1; ventilation required

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 129. Add an exception to Section R806.1 to read as follows: **EXCEPTION:** Mechanical ventilation is permitted provided the following conditions are met:

1. The installation complies with manufacturer’s instructions.
2. A humidistat is included with the installation.
3. An ammeter or equivalent device is installed in a readily visible location.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-129*)

675 IAC 14-4.3-130 Section R808.1; combustible insulation

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 130. In SECTION R808.1, delete “Section N1102.1.11” and substitute “Chapter 11 of this code”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-130*)

675 IAC 14-4.3-131 Section R903.4.1; overflow drains and scuppers

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 131. Delete the last paragraph of SECTION R903.4.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-131*)

675 IAC 14-4.3-132 Section R904.3; material specifications and physical characteristics

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 132. Delete the last sentence of SECTION R904.3. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-132*)

675 IAC 14-4.3-133 Section R907.3; recovering versus replacement

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 133. Change, in SECTION R907.3, Item 3, “two” to “three”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-133*)

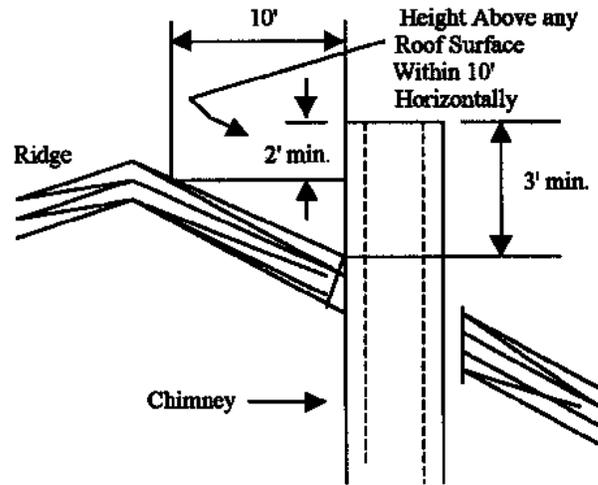
675 IAC 14-4.3-134 Figure R1001.6; termination

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 134. Add FIGURE R1001.6 as follows:

FIGURE R1001.6
Chimney Termination



(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-134*)

675 IAC 14-4.3-135 Section R1003.3; seismic reinforcing

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 135. Change the first sentence of SECTION R1003.3 to read as follows: Masonry or concrete chimneys in Seismic Design Category C₁ shall be reinforced. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-135*)

675 IAC 14-4.3-136 Section R1003.4; seismic anchorage

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 136. Change SECTION R1003.4 by deleting D₁ and D₂ and substituting C₁. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-136*)

675 IAC 14-4.3-137 Section R1005.1; exterior air

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 137. Delete, in SECTION R1005.1, “unless the room is mechanically ventilated and controlled so that the indoor pressure is neutral or positive.”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-137*)

675 IAC 14-4.3-138 Chapter 11; energy efficiency

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 138. Delete the text of Chapter 11 in its entirety and substitute the following: SECTION N1101; GENERAL N1101.1 Scope. This chapter sets forth energy-efficiency requirements for the design and construction of buildings regulated by this code.

EXCEPTION: Provided that they are separated by building envelope assemblies from the remainder of the building, portions of the building that do not enclose conditioned space shall be from the building envelope provisions but shall comply with the provisions for building mechanical and service water systems.

N1101.2 Compliance. Compliance with this chapter shall be demonstrated by meeting the requirements of the applicable sections and tables of SECTIONS N1101, N1102, N1104, and N1105 of this chapter. Compliance with SECTION N1103 or N1106 is an alternative to compliance with SECTION N1102. Where applicable, provisions are based on the climate zone where the building is located as set forth in FIGURE 11-1 below.



FIGURE 11-1

N1101.2.1 Eligible buildings. Compliance for detached one and two family dwellings and for townhouses shall be demonstrated by meeting the requirements of subsection N1101.2.

N1101.3 Materials and equipment. Materials and equipment shall be identified as complying with the provisions of this chapter. Materials and equipment shall be listed and labeled for their intended use and shall be installed in accordance with the manufacturer’s installation instructions.

N1101.3.1 Insulation. The thermal resistance (R-value) shall be indicated on all insulation and the insulation installed such that the R-value can be verified during inspection, or

evidence of compliance of the installed R-value shall be provided at the job site by the insulation installer.

N1101.3.2 Fenestration. The U-factor of fenestration shall be determined in accordance with NFRC 100 by an accredited, independent laboratory and labeled and certified by the manufacturer. The solar heat gain coefficient (SHGC) of fenestration shall be determined in accordance with NFRC 200 by an accredited, independent laboratory and labeled and certified by the manufacturer.

N1101.3.2.1 Default fenestration performance. When a manufacturer has not determined a fenestration product’s U-factor in accordance with NFRC 100, compliance shall be determined by assigning such products a default U-factor from TABLES 11-1 and 11-2. When a manufacturer has not determined a fenestration product’s SHGC in accordance with NFRC 200, compliance shall be determined by assigning such products a default SHGC from TABLE 11-3.

TABLE 11-1
U-FACTOR DEFAULT TABLE FOR WINDOWS, GLAZED DOORS, AND SKYLIGHTS

FRAME MATERIAL AND PRODUCT TYPE ^a	SINGLE GLAZED	DOUBLE GLAZED
Metal without thermal break		
Operable (including sliding and swinging glass doors)	1.27	0.87
Fixed	1.13	0.69
Garden window	2.60	1.81
Curtain wall	1.22	0.79
Skylight	1.98	1.31
Site-assembled sloped/overhead glazing	1.36	0.82
Metal with thermal break		
Operable (including sliding and swinging glass doors)	1.08	0.65
Fixed	1.07	0.63
Curtain wall	1.11	0.68
Skylight	1.89	1.11
Site-assembled sloped/overhead glazing	1.25	0.70
Reinforced vinyl/metal clad wood		
Operable (including sliding and swinging glass doors)	0.90	0.57
Fixed	0.98	0.56
Skylight	1.75	1.05
Wood/vinyl/fiberglass		
Operable (including sliding and swinging glass doors)	0.89	0.55
Fixed	0.98	0.56
Garden window	2.31	1.61
Skylight	1.47	0.84

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**TABLE 11-2
U-FACTOR DEFAULT TABLE FOR NONGLAZED DOORS**

DOOR TYPE Steel doors (1.75 inches thick)	WITH FOAM CORE 0.35 WITHOUT STORM DOOR	WITHOUT FOAM CORE 0.60 WITH STORM DOOR
	Wood doors (1.75 inches thick)	
Panel with 0.438 inch panels	0.54	0.36
Hollow core flush	0.46	0.32
Panel with 1.125 inch panels	0.39	0.28
Solid core flush	0.40	0.26

For SI: 1 inch = 25.4 mm.

**TABLE 11-3
SHGC DEFAULT TABLE FOR FENESTRATION**

PRODUCT DESCRIPTION	SINGLE GLAZED				DOUBLE GLAZED				
	Clear	Bronze	Green	Gray	Clear + Clear	Bronze + Clear	Green + Clear	Gray + Clear	
Metal frames									
Operable	0.75	0.64	0.62	0.61	0.66	0.55	0.53	0.52	
Fixed	0.78	0.67	0.65	0.64	0.68	0.57	0.55	0.54	
Nonmetal frames									
Operable	0.63	0.54	0.53	0.52	0.55	0.46	0.45	0.44	
Fixed	0.75	0.64	0.62	0.61	0.66	0.54	0.53	0.52	

N1101.3.2.2 Air leakage. The air leakage of prefabricated fenestration shall be determined by the manufacturer. Alternatively, the fenestration shall be installed in accordance with the maximum allowable rates in TABLE 11-4.

EXCEPTION: Site-constructed windows and doors sealed in accordance with SECTION N1102.1.10.

**TABLE 11-4
ALLOWABLE AIR FILTRATION RATES^a**

WINDOWS (cfm per square foot of window area)	DOORS (cfm per square foot of door area)	
	Sliders	Swinging
0.3 ^b	0.3	0.5

For SI: 1 cfm/ft² = 0.00508 m³/ (s × m²).

^aWhen tested in accordance with NFRC 400.

^bSee AAMA/WDMA 101/I.S. 2.

N1101.3.3 MINIMUM INSULATION R-VALUES. The minimum insulation R-values permitted using tradeoffs from SECTION N1103 or SECTION N1106 for all climate regions shall be R-13 for abovegrade walls, R-30 for ceilings, and R-19 for floors.

N1101.4 Alternate energy materials, methods, and design. The provisions of this code are not intended to prevent the use of any material, method of construction, design, or insulating system not specifically prescribed herein, provided that such construction, design, or insulating system has been approved as meeting the intent of the code.

Compliance with specific provisions and the intent of this code shall be determined through the use of approved computer software (such as REScheck or MECcheck provided by the Department of Energy), worksheets, compliance manuals (from ASTM, etc.) and other similar materials.

SECTION N1102 COMPLIANCE BY PRESCRIPTIVE SPECIFICATIONS ON INDIVIDUAL COMPONENTS

N1102.1 Thermal performance criteria. The minimum required insulation R-value or maximum required U-factor for each element in the building thermal envelope (fenestration, roof/ceiling, opaque wall, floor, slab edge, crawlspace wall, and basement wall) shall be in accordance with criteria in TABLE 11-5.

**TABLE 11-5
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENTS^a
78% AFUE or 6.8 HSPF and 10 SEER**

REGION See Figure 11-1	GLAZING U-VALUE	SKYLIGHT U-VALUE ^b	CEILING R-VALUE	WALL R-VALUE ^c	FLOOR R-VALUE ^d	BASEMENT WALL R-VALUE ^e	SLAB PERIMETER R-VALUE/DEPTH ^f	CRAWLSPACE WALL R-VALUE ^e
North	.35	0.60	30	15 plus 1	25	13 / 7 ft.	10 / 4 ft.	7 / 3.2 ft.

Central	.45	0.60	30	13 plus 1	25	10 / 7 ft.	10 / 4 ft.	10 / 2.7 ft.
South	.45	0.60	30	13 plus 1	19	7 / 7 ft.	7 / 3 ft.	7 / 2.7 ft.
Ohio River	.45	0.60	30	13	19	7 / 4 ft.	3.5 / 2 ft.	3 / 2.2 ft.

^aR-values are minimums. U-factors and SHGC are maximums. R-19 insulation shall be permitted to be compressed except as noted. The glazing U-factors are for windows only. The default U-factors for doors are in TABLES 11-1 and 11-2. The maximum door U-values to be allowed with this table are as follows: main exit, 0.54; other exit doors, 0.34; sliding glass doors, French doors, and atrium doors, 0.55.

^bSkylights are glazed fenestration less than 60 degrees from horizontal.

^cCavity insulation plus sheathing (wood frame walls only). Steel frame walls require the installation of an exterior insulated sheathing in accordance with SECTION N1102.1.12.

^dOr insulation sufficient to fill the cavity, R-19 minimum.

^eBox or rim joist cavity spaces must be insulated R-22 minimum, entire exterior perimeter.

^fThe insulation shall be installed from the top of the slab to the required depth, horizontally or vertically, or a combination of both, until the required depth is achieved.

N1102.1.1 Exterior walls. The minimum required R-value in TABLES 11-5 shall be met by the sum of the R-values of the insulation materials installed in framing cavities and/or sheathing applied and not by framing, drywall, or exterior siding materials. Insulation separated from the conditioned space by a vented space shall not be counted towards the required R-value.

Northern	6,300	R-13	R-15.2
Central	5,700	R-13	R-15.2
South	5,000	R-8	R-15.2
Ohio River	4,300	R-8	R-15.2

For SI: 1(hr ft²°F)/Btu = 0.176 m² K/W

N1102.1.1.1 Mass walls. For purposes of this section, the following definitions apply: Mass walls with exterior insulation position are those that have the entire effective mass layer interior to an insulation layer. Mass walls with integral insulation position are those that have either insulation and mass materials well mixed as in wood (logs) or substantially equal amounts of mass material on the interior and exterior of insulation as in concrete masonry units with insulated cores or masonry cavity walls. Mass walls with interior insulation position are those that have the mass material located exterior to the insulating material.

N1102.1.1.2. Steel-frame walls. When steel framing construction is used, insulated sheathing with an R-5 value shall be installed in addition to the minimum required R-value for frame walls determined in accordance with TABLE 11-5.

Mass walls shall be permitted to meet the mass wall criteria in TABLE 11-6 based on the insulation position and the climate zone where the building is located. Other mass walls shall meet the frame wall criteria for the building type and the climate zone where the building is located based on the sum of interior and exterior insulation.

N1102.1.2 Ceilings. The required “Ceiling R-value” in TABLE 11-5 assumes standard truss or rafter construction and shall apply to all roof/ceiling portions of the building thermal envelope including cathedral ceilings. R-30 shall be permitted to be compressed over the top plate to obtain the required rafter air spaces. R-30 shall be permitted to be used over the top plate where R-38 is required. R-38 shall be permitted over the top plate where R-49 is required.

Mass walls not meeting either of the above descriptions for exterior or integral positions shall meet the requirements for other mass walls in TABLE 11-6. The R-value for a solid concrete wall with a thickness of 4 inches (102 mm) or greater is R-1.1. R-values for other assemblies are permitted to be based on hot box tests.

N1102.1.3 Opaque doors. Opaque doors separating conditioned and unconditioned space shall have a maximum U-factor of 0.35. One opaque door shall be permitted to be exempt from this U-factor requirement.

N1102.1.4 Floors. The required R-value in TABLE 11-5 shall apply to all floors, except any individual floor assembly with over 25 percent of its conditioned floor area exposed directly to outside air shall meet the R-value requirement in TABLE 11-5 for ceilings.

N1102.1.5 Basement walls. When insulating basement walls, the required R-values shall be applied from the top of the basement wall to the depth required by TABLE 11-5.

N1102.1.6 Slab-on-grade floors. For slabs with a top edge 8 inches (203 mm) or less above or 12 inches (305 mm) or less below finished grade, the required R-value in TABLE 11-5 shall be applied to the outside of the foundation or the inside of the foundation wall. The insulation shall extend

**TABLE 11-6
MASS WALL PRESCRIPTIVE BUILDING ENVELOPE REQUIREMENTS**

Building Location		Mass Wall Assembly R-Value (hr ft ² °F)/Btu	
		Exterior or Integral Insulation	Other Mass Walls
Zone	HDD		

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downward from the top of the slab, or downward to the bottom of the slab and then horizontally in either direction, for the minimum distance listed in TABLE 11-5.

When installed between the exterior wall and the edge of the interior slab, the top edge of the insulation shall be permitted to be cut at a 45 degree (0.79 radians) angle away from the exterior wall. Insulation extending horizontally away from the building shall be protected as set forth by SECTION R403.3.1.

R-2 shall be added to the values in TABLE 11-5 where uninsulated hot water pipes, air distribution ducts, or electric heating cables are installed within or under the slab.

N1102.1.7 Crawlspace walls. Where the floor above the crawlspace is uninsulated, and the crawlspace is not vented to outside air, insulation shall be installed on crawlspace walls as required in TABLE 11-5. The insulation shall be applied inside of the crawlspace wall, downward from the sill plate to the distance required by TABLE 11-5. The exposed earth in all crawlspace foundations shall be covered with a continuous 6 mil vapor retarder having a maximum permeance rating of 1.0 perm ($5.74525 \times 10^{-11} \text{ kg}/(\text{Pa} \times \text{s} \times \text{m}^2)$).

N1102.1.8 Masonry veneer. For exterior foundation insulation, that horizontal portion of the foundation that supports a masonry veneer shall not be required to be insulated.

N1102.1.9 Protection. Exposed insulating materials applied to the exterior of foundation walls shall be protected from damage or deterioration. The protection shall extend at least 6 inches (152 mm) below finished grade level.

N1102.1.10 Air leakage. Exterior joints, seams, or penetrations in the building envelope that are sources of air leakage shall be sealed with caulking materials, closed with gasketing systems, taped, or covered with moisture vapor-permeable house-wrap. Sealing materials spanning joints between dissimilar construction materials shall allow for differential expansion and contraction of the construction materials. This includes sealing around tubs and showers, at the attic and crawlspace panels, at recessed lights, and around all plumbing and electrical penetrations. These are openings located in the building envelope between conditioned space and unconditioned space or between the conditioned space and the outside.

N1102.1.11 Recessed lighting fixtures. When installed in the building envelope, recessed lighting fixtures shall meet one of the following:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.
2. Type IC or non-IC rated, installed inside a sealed box constructed from a minimum 0.5 inch (12.7 mm) thick gypsum wallboard or constructed from a preformed polymeric vapor barrier, or other airtight assembly manufactured for this purpose, while maintaining required clearances of not less than 0.5 inch (12.7 mm) from combustible material and not less than 3 inches (76 mm) from insulation material.
3. Type IC rated admitting no more than 2.0 cubic feet per minute (cfm) (0.944L/s) of air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 1.57 psi (75 Pa) pressure difference and shall be labeled.

N1102.2 Fenestration exemption. Up to 1 percent of the total glazing area shall be exempt from U-factor requirements.

SECTION N1103 COMPLIANCE BY TOTAL BUILDING ENVELOPE PERFORMANCE

N1103.1 Compliance with this section is an alternative to compliance with SECTION N1102.

N1103.2 Compliance by total building envelope performance. The building envelope design of a proposed building shall be permitted to deviate from the U_o-factors, U-factors, or R-values specified in TABLE 11-7, provided the total thermal transmission heat gain or loss for the proposed building envelope does not exceed the total heat gain or loss resulting from the proposed building's conformance to the values specified in TABLE 11-7. For basement and crawlspace walls that are part of the building envelope, the U-factor of the proposed foundation shall be adjusted by the R-value of the adjacent soil where the corresponding U-factor in TABLE 11-7 is similarly adjusted. Heat gain or loss calculations for slab edge and basement or crawlspace wall foundations shall be determined using approved methods.

TABLE 11-7^{a, b, c}
EQUIVALENT U-FACTORS

REGION	GLAZ- ING	SKYLIGHT	CEILING	WALL	MASS WALL	FLOOR	BASEMENT	SLAB PERIMETER	CRAWL- SPACE
North	0.35	0.60	0.035	0.064	0.077	0.037	0.055	0.684	0.076
Central	0.45	0.60	0.035	0.074	0.077	0.042	0.064	0.684	0.100
South	0.45	0.60	0.035	0.074	0.125	0.045	0.078	0.727	0.109

Ohio River	0.45	0.60	0.035	0.077	0.125	0.047	0.093	0.825	0.196
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^aNonfenestration U-factors shall be obtained from this table, measurement, calculation, or an approved source.

^bFor 78 percent AFUE furnaces or 6.8 HSPF and 10 SEER except where otherwise noted.

^cThe maximum door U-values to be allowed with this table are as follows: main exit, 0.54; other exit doors, 0.34; sliding glass doors, French doors, and atrium doors, 0.55.

SECTION N1104 MECHANICAL SYSTEMS

N1104.1 Heating and air conditioning appliance and equipment performance. Performance of equipment listed in TABLE 11-8 is covered by preemptive federal law. Appliances and equipment not listed in TABLE 11-8 shall

be approved. Data furnished by the equipment supplier, or certified under a nationally recognized certification procedure, shall be used to satisfy these requirements. All such equipment shall be installed in accordance with the manufacturer's instructions.

**TABLE 11-8
MINIMUM EQUIPMENT PERFORMANCE**

EQUIPMENT CATEGORY	SUBCATEGORY ^e	REFERENCED STANDARD	MINIMUM PERFORMANCE
Air-cooled heat pumps heating mode < 65,000 Btu/h cooling capacity	Split systems	ARI 210/240	6.8 HSPF ^{a, b}
	Single package		6.6 HSPF ^{a, b}
Gas-fired or oil-fired furnace < 225,000 Btu/h		DOE 10 CFR Part 430, Subpart B, APPENDIX N	AFUE 78% ^b Et 80% ^c
Gas-fired or oil-fired steam and hot water boilers < 300,000 Btu/h		DOE 10 CFR Part 430, Subpart B, APPENDIX N	AFUE 78% ^{b, d}
Air-cooled air conditioners and heat pumps cooling mode < 65,000 Btu/h cooling capacity	Split systems	ARI 210/240	10.0 SEER ^b
	Single package		9.7 SEER ^b

For SI: 1 Btu/h = 0.2931 W.

^aFor multicapacity equipment, the minimum performance shall apply to each capacity step provided. Multicapacity refers to manufacturer-published ratings for more than one capacity mode allowed by the product's controls.

^bThis is used to be consistent with the National Appliance Energy Conservation Act (NAECA) of 1987 (Public Law 100-12).

^cThese requirements apply to combination units not covered by NAECA (three-phase power or cooling capacity 65,000 Btu/h).

^dExcept for gas-fired steam boilers, for which the minimum AFUE shall be 75 percent.

^eSeasonal rating.

N1104.2 Controls. At least one thermostat shall be provided for each separate heating, cooling, or combination heating and cooling system. Heat pumps shall have controls that prevent supplementary electric resistance heater operation when the heating load can be met by the heat pump alone. Supplementary heater operation shall be permitted during outdoor coil defrost cycles not exceeding 15 minutes.

duct and that portion of the assembly furthest from conditioned space.

EXCEPTION: Exhaust air ducts and portions of the air distribution system within appliances or equipment.

N1104.3 Duct insulation. All portions of the air distribution system that serve the permanent heating, ventilating, and air conditioning systems shall be installed in accordance with SECTION M1601 and be insulated to an installed R-4.2 when system components are located within the building but outside of conditioned space and R-8 when located outside of the building. When located within a building envelope assembly, at least R-8 shall be applied between the

N1104.4 Duct sealing. All ducts shall be sealed in accordance with SECTION M1601.3.1.

N1104.5 Piping insulation. All mechanical system piping that serves the permanent heating, ventilating, and air conditioning systems shall be insulated in accordance with TABLE 11-9.

EXCEPTION: Piping installed within appliances and equipment or piping serving fluids between 55°F (13°C) and 120°F (49°C).

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**TABLE 11-9
MINIMUM HVAC PIPING
INSULATION THICKNESSES^a**

	FLUID TEMPERATURE RANGE (°F)	INSULATION THICKNESS (inches) ^b
HEATING SYSTEMS		
Low pressure/temperature	201–250	1.5
Low temperature	120–200	1.0
Steam condensate (for feed water)	Any	1.5
COOLING SYSTEMS		
Chilled water, refrigerant, or brine	40–55	0.75
	Below 40	1.25

For SI: 1 inch = 25.4 mm, °C = (°F - 32)/1.8.

^aThe pipe insulation thicknesses specified in this table are based on insulation R-values ranging from R-4 to R-4.6 per inch of thickness. For materials with an R-value greater than R-4.6, the insulation thickness specified in this table may be reduced as follows:

$$\text{New Minimum Thickness} = \frac{4.6 \times \text{Table Thickness}}{\text{Actual R-value}}$$

For materials with an R-value less than R-4, the minimum insulation thickness shall be increased as follows:

$$\text{New Minimum Thickness} = \frac{4.0 \times \text{Table Thickness}}{\text{Actual R-value}}$$

^bFor piping exposed to outdoor air, increase thickness by 0.5 inch.

SECTION N1105 SERVICE WATER HEATING

N1105.1 Water heating appliance and equipment performance. Performance of equipment listed in TABLE 11-10 is covered by preemptive federal law. Appliances and equipment not listed in TABLE 11-10 shall be approved.

TABLE 11-10

REQUIRED PERFORMANCE OF DOMESTIC HOT WATER HEATING EQUIPMENT SUBJECT TO MINIMUM FEDERAL STANDARDS

CATEGORY	MAXIMUM INPUT RATING	MINIMUM EFFICIENCY
Electric; storage or instantaneous	12 kW	0.93 - 0.00132 × V ^a
Gas; storage	75,000 Btu/h	0.62 - 0.0019 × V ^a
Gas; instantaneous	200,000 Btu/h	0.62 - 0.0019 × V ^a
Oil; storage	105,000 Btu/h	0.59 - 0.0019 × V ^a

Oil; instantaneous 210,000 Btu/h 0.59 - 0.0019 × V^a
For SI: 1Btu/h = 0.2931 W, 1 gallon = 3.785 L.

^aV is the rated storage volume in gallons as specified by the manufacturer.

N1106 ALTERNATE DESIGN

N1106.1 Chapter 4, Residential Building Design by Systems Analysis and Design of Buildings Utilizing Renewable Energy Sources, of the International Energy Conservation Code 2000, except as amended in subsection N1106.2, is an alternative to compliance with SECTIONS N1102 AND N1103.

N1106.2 (a) Change subsection 402.1 to read as follows: Compliance with this chapter will require an analysis of the annual energy usage, completed during the building design phase, and hereinafter called the “annual energy analysis”.

(b) Delete the exception from subsection 402.1 without substitution.

(c) Delete “Chapter 5” from subsection 402.1.1 and substitute “TABLE 11-5, TABLE 11-7, or TABLE 11-11”. Delete all exceptions in subsection 402.1.1.

(d) Delete TABLES 402.1.1(1) and 402.1.1(2) including their footnotes.

(e) In subsection 402.1.3.1.4, delete “Table 102.5.2(3)” and substitute “TABLE 11-3”.

(f) In subsection 402.1.3.6, delete “Type A-1 Residential building” and substitute “1 or 2 family dwelling” and delete “Type A-2 Residential building” and substitute “townhouse”.

(g) Add the following to the last sentence of subsection 402.1.3.10: “See subsection R303.1 for ventilation requirements for one and two family dwellings or townhouses.”.

(h) In subsection 402.1.3.11, delete “Table 502.2” and substitute “TABLE 11-5”.

(i) In subsection 402.4.1, delete “as required in Chapter 3” and substitute “as follows:” and the following table:

TABLE 11-11

THERMAL DESIGN PARAMETERS EXTERNAL DESIGN CONDITIONS

	Northern	Central	South	Ohio River
WINTER Design Dry-Bulb °F	1°	2°	9°	9°
SUMMER Design Wet-Bulb °F	73°	74°	75°	75°

SUMMER Design Dry-Bulb °F	89°	90°	93°	93°
DEGREE DAYS HEATING	6,300	5,700	5,000	4,300

(j) In subsection 402.5, delete “Chapter 4” and substitute “this chapter”.

(k) In subsection 403.1.1.1, delete “Section 502.1.4.1” and substitute “TABLE 11-4”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-138*)

675 IAC 14-4.3-139 Section M1201.1; scope

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 139. Change SECTION M1201.1 to read as follows: The provisions of Chapters 1, 2, and 12 through 24 shall regulate the design, installation, and alteration of any part of the permanent heating, ventilating, and air conditioning for a Class 1 structure-townhouse or a Class 2 structure-1 or 2 family dwelling. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-139*)

675 IAC 14-4.3-140 Section M1201.2; application

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 140. Delete SECTION M1201.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-140*)

675 IAC 14-4.3-141 Section M1202; existing mechanical systems

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 141. Delete SECTION M1202 and substitute to read as follows: For existing installations see Chapter 1 and the General Administrative Rules (675 IAC 12). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-141*)

675 IAC 14-4.3-142 Section M1303.1; label information

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 142. Change, in SECTION M1303.1, Item 4, “approval” to “acceptance”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-142*)

675 IAC 14-4.3-143 Section M1307.3.1; protection from impact

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 143. Delete SECTION M1307.3.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-143*)

675 IAC 14-4.3-144 Section M1411.3.1; auxiliary and secondary drain systems

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 144. Add an exception to the end of SECTION R1411.3.1 to read as follows: EXCEPTION: When installed on a water-resistant floor with a floor drain in the same room or space. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-144*)

675 IAC 14-4.3-145 Section M1501.3; length limitation

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 145. Change, in the first sentence of SECTION M1501.3, “25 feet (7,620 mm)” to read “35 feet”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-145*)

675 IAC 14-4.3-146 Section M2001.1; installation

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13-2-9; IC 22-14; IC 22-15; IC 36-7

Sec. 146. Add SECTION M2001.1.2 to the end of SECTION M2001 to read as follows: Boilers and water heaters regulated by the Boiler and Pressure Vessel Rules Board (680 IAC 2) under IC 22-13-2-9 are not regulated by this code. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-146*)

675 IAC 14-4.3-147 Section M2005.5; anchorage of water heaters in Seismic Design Category C₁

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 147. Add SECTION M2005.5 to the end of SECTION M2005 to read as follows: M2005.5 Anchorage of Water Heaters in Seismic Design Category C₁. In Seismic Design Category C₁, all gas water heaters shall be anchored or fastened to resist horizontal displacement due to earthquake motion as provided in SECTION M1307.2.

EXCEPTION: Where approved excessive flow valves are implemented for the entire dwelling unit or for each gas appliance.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-147*)

675 IAC 14-4.3-148 Section M2201.3; underground tanks

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 148. Delete SECTION M2201.3 and substitute to read as follows: Excavations for underground tanks shall not undermine the foundations of existing structures.

Underground tanks shall be set on firm foundations and surrounded with at least 6 inches (152.4 mm) of

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noncorrosive inert material, such as clean sand or gravel well-tamped in place or in accordance with the manufacturer's installation instructions. Tanks shall be covered with a minimum of 2 feet (609.6 mm) of earth or shall be covered by not less than 1 foot (304.8 mm) of earth, on top of which shall be placed a slab of reinforced concrete not less than 4 inches (101.6 mm) thick.

When underground tanks are, or are likely to be, subjected to traffic, they shall be protected against damage from vehicles passing over them by at least 3 feet (914.4 mm) of earth cover, or 18 inches (457.2 mm) of well-tamped earth plus 6 inches (152.4 mm) of reinforced concrete, or 8 inches (203.2 mm) of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least 1 foot (304.8 mm) horizontally beyond the outline of the tank in all directions.

The clearance from the tank to the nearest wall of a basement, pit, or property line shall not be less than 1 foot (305 mm).

Corrosion protection shall be provided in accordance with SECTION M2203.7. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-148*)

675 IAC 14-4.3-149 Section M2301.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 149. Change SECTION M2301.1 to read as follows: This section provides for the construction, installation, and alteration of equipment and systems utilizing solar energy to provide space heating or cooling and hot water heating. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-149*)

675 IAC 14-4.3-150 Section G2401.1; application

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 150. Delete, in the second sentence of the second paragraph of SECTION G2401.1, “, inspection, operation, and maintenance” and add “and” before “testing” and delete the comma after “installation”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-150*)

675 IAC 14-4.3-151 Section G2403; general definitions

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13-2-9; IC 22-14; IC 22-15; IC 36-7

Sec. 151. Change SECTION G2403 as follows: (a) Change the title to read as follows: SECTION G2403(202) GENERAL DEFINITIONS FOR THE PURPOSE OF CHAPTER 24 ONLY.

(b) Add to the end of the definition of BOILER, LOW

PRESSURE as follows: This definition is not applicable to boilers regulated by the Boiler and Pressure Vessel Rules Board (680 IAC 2) under IC 22-13-2-9.

(c) Delete the definition of CODE.

(d) Delete the definition of CODE OFFICIAL and substitute to read as follows: See BUILDING OFFICIAL in SECTION R202.

(e) Delete the definition of HAZARDOUS LOCATION.

(f) Add, after “MODULATING”, “NFPA 58. See 675 IAC 22-2.2-14”.

(g) Add, after “UNIT HEATER”, “UNUSUALLY TIGHT CONSTRUCTION. See SECTION R202”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-151*)

675 IAC 14-4.3-152 Section G2404.7; flood hazard

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 152. Delete SECTION G2404.7 and substitute to read as follows: See local ordinance. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-152*)

675 IAC 14-4.3-153 Section G2405.1; structural safety

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 153. Delete, in the second sentence of SECTION G2405.1, “repairing” and substitute “altering”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-153*)

675 IAC 14-4.3-154 Section G2408.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 154. Make the following changes to SECTION G2408.1: (a) Delete, at the end of the second sentence, “at the time of inspection”.

(b) Delete, at the end of the second paragraph, “and the requirements determined by the code official”.

(c) In the second paragraph, add “and” after “instructions” and before “the”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-154*)

675 IAC 14-4.3-155 Section G2408.3; private garages

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 155. Delete SECTION G2408.3. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-155*)

675 IAC 14-4.3-156 Section G2412.1; scope

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 156. Change SECTION G2412.1 to read as follows: This chapter shall govern the design, installation, and modification of piping systems. The applicability of this code to piping systems extends from the point of delivery to the connections with the equipment and includes the design, materials, components, fabrication, assembly, installation, and testing of such piping systems. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-156)*

675 IAC 14-4.3-157 Section G2412.1.1; utility piping systems located within buildings

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 157. Delete SECTION G2412.1.1. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-157)*

675 IAC 14-4.3-158 Section G2413.2; maximum gas demand

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 158. Delete, in the last sentence of the first paragraph of SECTION G2413.2, “a qualified” and substitute “an approved”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-158)*

675 IAC 14-4.3-159 Section G2414.3; other materials

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 159. Change “code official” to “building official”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-159)*

675 IAC 14-4.3-160 Section G2415.8; protection against corrosion

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 160. Change, in the third sentence of SECTION G2415.8, “in a manner satisfactory to the code official” to read “as approved by the building official”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-160)*

675 IAC 14-4.3-161 Section G2415.9.1; individual outside appliances

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 161. Delete SECTION G2415.9.1. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-161)*

675 IAC 14-4.3-162 Section G2415.16; testing of piping

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 162. Delete, in the last sentence of SECTION G2415.16, “, inspection”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-162)*

675 IAC 14-4.3-163 Section G2417; inspection, testing, and purging

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 163. Change SECTION G2417 as follows: (a) Change the title to read as follows: SECTION G2417 (406) TESTING AND PURGING.

(b) Delete, in SECTION G2417.1, “inspected and”.

(c) Delete SECTION G2417.1.1.

(d) Change the title and text of SECTION G2417.1.2 to read as follows: Additions. In the event additions are made following the pressure test, the affected piping shall be tested.

EXCEPTION: Minor additions, provided the work and connections are tested with a noncorrosive leak-detecting fluid or other leak-detecting methods approved by the building official.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-163)

675 IAC 14-4.3-164 Section G2417.6.2; before turning gas on

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 164. Change SECTION G2417.6.2 to read as follows: Before gas is introduced into a system of new gas piping, it shall be determined that there are no open fittings or ends and that all manual valves at outlets on equipment are closed and all unused valves at outlets are closed and plugged or capped. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-164)*

675 IAC 14-4.3-165 Section G2417.6.3; test for leakage

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 165. (a) Delete, in SECTION G2417.6.3, “or into a system that has been initially restored after an interruption of service,”.

(b) Change the last sentence of SECTION G2417.6.3 to read as follows: If leakage is indicated, the gas supply shall be shut off until the leakage is corrected. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-165)*

675 IAC 14-4.3-166 Section G2417.7.1; removal from service

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

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Sec. 166. Delete, from SECTION G2417.7.1, “servicing,” and substitute “an”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-166*)

675 IAC 14-4.3-167 Section G2420.2; meter valve

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 167. Delete SECTION G2420.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-167*)

675 IAC 14-4.3-168 Section G2423; CNG gas-dispensing systems

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 168. Delete SECTION G2423. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-168*)

675 IAC 14-4.3-169 Section G2425.1; scope

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 169. Delete, from SECTION G2425.1, “, maintenance, repair”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-169*)

675 IAC 14-4.3-170 Section G2427.6.10; marking

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 170. Delete SECTION G2427.6.10. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-170*)

675 IAC 14-4.3-171 Section G2427.8; venting system termination location

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 171. Change SECTION G2427.8, Item 4, to read as follows: **4. Through-the-wall vents for Categories II and IV appliances and noncategorized appliances shall not terminate over walkways or over an area where condensate or vapor could be detrimental to the operation of regulators, relief valves, or other equipment.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-171*)

675 IAC 14-4.3-172 Section G2427.9; condensation drain

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 172. Delete SECTION G2427.9 and substitute to read as follows: **For collection and disposal of condensate from venting systems, see local ordinance.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-172*)

675 IAC 14-4.3-173 Section G2428.1; definitions

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 173. Add, to the definition of APPLIANCE CATEGORIZED VENT DIAMETER/AREA in SECTION G2428.1, “approved” after “with” and before “nationally”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-173*)

675 IAC 14-4.3-174 Section G2431.1; scope

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 174. Change SECTION G2431.1 to read as follows: **This chapter shall govern the approval, design, installation, construction, and alteration of the appliances and equipment specifically identified herein.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-174*)

675 IAC 14-4.3-175 Section G2438; clothes dryers

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 175. Delete SECTION G2438. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-175*)

675 IAC 14-4.3-176 Section G2439.5.1; maximum length

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 176. Change, in the first sentence of SECTION G2439.5.1, “25 feet (7620 mm)” to read “35 feet”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-176*)

675 IAC 14-4.3-177 Section G2448.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-9; IC 22-14; IC 22-15; IC 36-7

Sec. 177. Add an exception to the end of SECTION G2448.1 to read as follows: **EXCEPTION: Water heaters regulated by the Boiler and Pressure Vessel Rules Board (680 IAC 2) under IC 22-13-2-9 are not regulated by this code.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-177*)

675 IAC 14-4.3-178 Section G2452.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-9; IC 22-14; IC 22-15; IC 36-7

Sec. 178. Add an exception to the end of SECTION G2452.1 to read as follows: **EXCEPTION: Boilers regulated by the Boiler and Pressure Vessel Rules Board (680 IAC 2) under IC 22-13-2-9 are not regulated by this code.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-178*)

675 IAC 14-4.3-179 Section P2501; general

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 179. Delete SECTION P2501 and substitute to read

as follows: The provisions of Chapters 1, 2, and 25 through 32 shall establish the requirements for plumbing and plumbing systems. Compliance with the Indiana Plumbing Code (675 IAC 16) shall be allowed instead of compliance with this code. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-179*)

675 IAC 14-4.3-180 Section P2502; existing plumbing systems

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 180. Delete the text of SECTION P2502 and substitute to read as follows: See the General Administrative Rules (675 IAC 12). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-180*)

675 IAC 14-4.3-181 Section P2503.1; inspection required

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 181. Delete SECTION P2503.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-181*)

675 IAC 14-4.3-182 Section P2503.2; concealment

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 182. Delete, in SECTION P2503.2, “, inspected”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-182*)

675 IAC 14-4.3-183 Section P2503.3; responsibility of permitter

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 183. Delete SECTION P2503.3. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-183*)

675 IAC 14-4.3-184 Section P2503.5.2; finished plumbing

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 184. Delete, in SECTION P2503.5.2, Item 2, “the local administrative authority” and substitute “local ordinance”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-184*)

675 IAC 14-4.3-185 Section P2503.7; inspection and testing of backflow prevention devices

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 185. Change the title and text of SECTION P2503.7 to read as follows: Testing of backflow prevention devices.

Testing of backflow prevention devices shall comply with SECTION P2503.7.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-185*)

675 IAC 14-4.3-186 Section P2503.7.1; inspections

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 186. Delete SECTION P2503.7.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-186*)

675 IAC 14-4.3-187 Section P2503.7.2; testing

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 187. Change SECTION P2503.7.2 to read as follows: Reduced pressure principle backflow preventers, double check valve assemblies, double-detector check valve assemblies, and pressure vacuum breaker assemblies shall be tested at the time of installation. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-187*)

675 IAC 14-4.3-188 Section P2603.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 188. Delete, in SECTION P2603.1, “or repairing”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-188*)

675 IAC 14-4.3-189 Section P2603.2.1; protection against physical damage

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 189. Make the following changes in SECTION P2603.2.1: (a) Change “1.5 inches (38 mm)” to read “1¼ inches (31 mm)”.

(b) Delete “and shall extend a minimum of 2 inches (51 mm) above sole plates and below top plates”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-189*)

675 IAC 14-4.3-190 Section P2603.5; pipes through footings or foundation walls

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 190. Delete, in SECTION P2603.5, “two pipe sizes”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-190*)

675 IAC 14-4.3-191 Section P2706.2; standpipes

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 191. Add an exception to the end of SECTION P2706.2 to read as follows: EXCEPTION: A 1½ inch (38 mm) standpipe shall extend a minimum of 30 inches (762

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mm) and a maximum of 42 inches (1,067 mm). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-191*)

675 IAC 14-4.3-192 Section P2706.2.1; laundry tray connection

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 192. Delete the last sentence of SECTION P2706.2.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-192*)

675 IAC 14-4.3-193 Section P2717.3; sink, dishwasher, and food grinder

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 193. Change the last sentence of P2717.3 to read as follows: **The dishwasher waste line shall rise and be securely fastened.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-193*)

675 IAC 14-4.3-194 Section P2801.5; required pan

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 194. Add an exception to SECTION P2801.5 to read as follows: **EXCEPTION: When installed on a water-resistant floor with a floor drain in the same room or space.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-194*)

675 IAC 14-4.3-195 Section P2802.2; temperature control

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 195. Change, in SECTION P2802.2, “requires” to “allows”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-195*)

675 IAC 14-4.3-196 Section P2901.1; potable water required

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 196. Change, in SECTION P2901.1, “appropriate” to “approved”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-196*)

675 IAC 14-4.3-197 Section P2903.5; water hammer

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 197. Change SECTION P2903.5 to read as follows: **Water Hammer.** The flow velocity through the water distribution system shall be controlled to reduce the possibility of water hammer. Water hammer arrestors,

when installed, shall be installed in accordance with manufacturer’s installation instructions and shall conform to ASSE/ANSI 1010. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-197*)

675 IAC 14-4.3-198 Section P2903.9.1; service valve

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 198. Change, in the last sentence of SECTION P2903.9.1, “requirements” to “ordinance”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-198*)

675 IAC 14-4.3-199 Section P3007.1; sewage ejectors or sewage pumps

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 199. Delete the fourth sentence of SECTION 3007.1 and substitute to read as follows: **A check valve, and a full way valve located on the discharge side of the check valve, shall be installed in the pump or ejector discharge piping between the pump or ejector and the drainage system.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-199*)

675 IAC 14-4.3-200 Section P3007.1.1; ejectors alarms

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 200. Add SECTION 3007.1.1 to read as follows: **Sewage ejectors that discharge by means of automatic pumping equipment shall be provided with an approved, electrically operated high water indicating alarm. A remote sensor shall activate the alarm when the fluid level exceeds a preset level that is less than the maximum capacity of the pit. The alarm shall function to provide a signal to occupants within the dwelling. Electrical power for the alarm shall be supplied through a branch circuit separate from that supplying the pump motor.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-200*)

675 IAC 14-4.3-201 Section P3101.4; extension outside a structure

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 201. Delete SECTION P3101.4. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-201*)

675 IAC 14-4.3-202 Section P3101.5; flood resistance

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 202. Delete SECTION P3101.5. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-202*)

675 IAC 14-4.3-203 Section P3103.1; roof extension

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 203. Change SECTION P3103.1 to read as follows: All open pipes that extend through a roof shall be terminated at least 12 inches (305 mm) above the highest point where the vent passes through the roof except that where a roof is to be used for any purpose other than weather protection, the vent extension shall terminate no less than 7 feet (2,134 mm) above the roof. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-203)*

675 IAC 14-4.3-204 Section P3103.2; frost closure
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 204. Delete SECTION P3103.2. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-204)*

675 IAC 14-4.3-205 Table P3105.1; maximum distance of fixture trap from vent
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 205. Add a note to TABLE P3105.1 to read as follows: NOTE: A trap arm serving only a bath tub or shower may be increased to 9 feet with a slope of not less than **C** inch per foot. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-205)*

675 IAC 14-4.3-206 Table P3201.4; building traps
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 206. Change SECTION P3201.4 as follows: Insert a “.” after “installed” and delete the remainder of the paragraph. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-206)*

675 IAC 14-4.3-207 Table P3201.7; size of traps and trap arms for plumbing fixtures
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 207. Change TABLE P3201.7 as follows: (a) Change the shower trap size minimum from “2” to “1½”.

(b) Add note (b) to read as follows: (b) A clothes washer standpipe may be 1½ inches when installed in accordance with SECTION P2706.2. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-207)*

675 IAC 14-4.3-208 Section E3301.2; scope
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 208. Change SECTION E3301.2 to read as follows: Chapters 1 and 33 through 42 shall cover the installation of electrical systems, equipment, and components for the

permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems that are part of a Class 1 structure-townhouse or Class 2 structure-one and two family dwelling.

Services within the scope of this code shall be limited to 120/240-volt, 0 to 400 ampere, single-phase systems. The omission from these chapters of any material or method of construction provided for in the Indiana Electrical Code (675 IAC 17) shall not be construed as prohibiting the use of such material or method of construction. Electrical systems, equipment, or components not specifically addressed in these chapters shall comply with the applicable provisions of the Indiana Electrical Code (675 IAC 17).

Compliance with the Indiana Electrical Code (675 IAC 17) is allowed instead of compliance with this code.

EXCEPTION: This section does not require the installation of an electrical system in Class 2 structures. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-208)*

675 IAC 14-4.3-209 Section E3301.3; not covered
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 209. Add Item 3 to SECTION E3301.3 to read as follows: 3. Installations not part of a Class 1 structure-townhouse or Class 2 structure-one and two family dwelling. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-209)*

675 IAC 14-4.3-210 Section E3303.2; inspection required
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 210. Delete SECTION E3303.2. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-210)*

675 IAC 14-4.3-211 Section E3304.2; interrupting rating
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 211. Change SECTION E3304.2 to read as follows: Equipment intended to interrupt current at fault levels shall have an interrupting rating sufficient for the nominal circuit voltage and the current that is available at the line terminals of the equipment. Equipment intended to interrupt current at other than fault levels shall have an interrupting rating at nominal circuit voltage sufficient for the current that must be interrupted. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-211)*

675 IAC 14-4.3-212 Section E3305.6; illumination

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Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 212. Add a sentence to the end of SECTION E3305.6 to read as follows: **Additional lighting fixtures shall not be required where the work space is illuminated by an adjacent artificial light source.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-212*)

675 IAC 14-4.3-213 Section E3306.5; individual conductor insulation

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 213. Delete the second sentence in Section E3306.5 without substitution. Delete the period after the last sentence and add “in accordance with Table E3605.1”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-213*)

675 IAC 14-4.3-214 Section E3401; general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 214. Change SECTION E3401 as follows: (a) Delete the definition of APPROVED and substitute to read as follows: See the definition of APPROVED in SECTION R202.

(b) Delete the definition of BRANCH CIRCUIT, GENERAL PURPOSE and substitute: A branch circuit that supplies two or more receptacles or outlets for lighting and appliances.

(c) Change the definition of Grounding Conductor, Equipment to read as follows: The conductor used to connect the noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor or the grounding electrode conductor, or both, at the service equipment or at the source of a separately derived system.

(d) Change the definition of Grounding Electrode Conductor to read as follows: The conductor used to connect the grounding electrode(s) to the equipment grounded conductor or to the grounded conductor, or to both, at the service equipment, at each building or structure where supplied from a common service, or at the source of a separately derived system.

(e) Delete the definition of GROUND-FAULT CIRCUIT-INTERRUPTER and substitute: A device intended for the protection of personnel that functions to de-energize a circuit or portion thereof within an established period of time when a current to ground exceeds the values established for a Class A device.

(f) Delete the definition of LABELED and substitute as follows: See the definition of LABELED in SECTION R202.

(g) Delete the definition of LISTED and substitute to read as follows: See the definition of LISTED AND LISTING in SECTION R202. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-214*)

675 IAC 14-4.3-215 Section E3501.6.2; service disconnect location

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 215. At the end of SECTION E3501.6.2, add a sentence to read as follows: “Conductors shall be considered outside of a building or structure under any of the following conditions:

- (1) where installed under not less than 2 inches (51 mm) of concrete beneath a building or other structure,
- (2) where installed within a building or other structure in a raceway that is encased in concrete or brick,
- (3) where installed in conduit and under not less than 18 inches (457 mm) of earth beneath a building or other structure.”.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-215*)

675 IAC 14-4.3-216 Table E3503.1; service conductor and grounding electrode conductor sizing

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 216. Delete all references to insulation types without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-216*)

675 IAC 14-4.3-217 Section E3504.2.1; above roofs

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 217. In Exception 1, after “pedestrian”, insert “or vehicular”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-217*)

675 IAC 14-4.3-218 Section E3505.5; protection of service cables against damage

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 218. In SECTION E3505.5, delete “rigid nonmetallic conduit suitable for the location” and insert “Schedule 80 rigid nonmetallic conduit”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-218*)

675 IAC 14-4.3-219 Section E3506.3; available short-circuit current

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 219. Delete, from SECTION E3506.3, “, but not less than 10,000 amperes”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-219*)

675 IAC 14-4.3-220 Section E3511.1; methods of grounding conductor connection to electrodes

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 220. Change the first sentence of SECTION E3511.1 by adding “exothermic welding” between “by” and “listed”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-220*)

675 IAC 14-4.3-221 Section E3602.9.1; minimum branch circuit for ranges

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 221. Add Exceptions 1 and 2 to SECTION E3602.9.1 to read as follows:

EXCEPTIONS: 1. Tap conductors supplying electric ranges, wall-mounted electric ovens, and counter-mounted electric cooking units from a 50-ampere branch circuit shall have an ampacity of not less than 20 and shall be sufficient for the load to be served. The taps shall not be longer than necessary for servicing the appliance. 2. The neutral conductor of a 3-wire branch circuit supplying a household electric range, a wall-mounted oven, or a counter-mounted cooking unit shall be permitted to be smaller than the ungrounded conductors where the maximum demand of a range of 8¾ kW or more rating has been computed according to Column A of TABLE E3604.3(2), but shall have an ampacity of not less than 70 percent of the branch-circuit rating and shall not be smaller than No. 10.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-221*)

675 IAC 14-4.3-222 Section E3602.10; branch circuits serving heating loads

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 222. In the second sentence of SECTION E3602.10, insert “25” to the list of circuit ratings. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-222*)

675 IAC 14-4.3-223 Section E3602.12; branch circuits serving room air conditioners

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 223. In SECTION E3602.12, Item 4, delete “or the

rating of the branch-circuit conductors”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-223*)

675 IAC 14-4.3-224 Section E3602.12.1; where no other loads are supplied

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 224. In SECTION E3602.12.1, delete “appliances are also supplied” and insert “loads are supplied”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-224*)

675 IAC 14-4.3-225 Section E3602.12.2; where lighting units or other appliances are also supplied

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 225. Delete the text of SECTION E3602.12.2 and substitute: The total marked rating of a cord-and-attachment-plug-connected room air conditioner shall not exceed 50 percent of the rating of a branch circuit where lighting outlets, other appliances, or general use receptacles are also supplied. Where the circuitry is interlocked to prevent simultaneous operation of the room air conditioner and energization of other outlets on the same branch circuit, a cord-and-attachment-plug-connected room air conditioner shall not exceed 80 percent of the branch-circuit rating. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-225*)

675 IAC 14-4.3-226 Section E3604.4; feeder neutral load

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 226. Add a sentence to the end of SECTION 3604.4 to read as follows: “A further demand factor of 70 percent shall be permitted for that portion of the unbalanced load in excess of 200 amps”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-226*)

675 IAC 14-4.3-227 Section E3703.4; protection from damage

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 227. In the third sentence of SECTION E3703.4, delete “service laterals” and substitute “underground service conductors”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-227*)

675 IAC 14-4.3-228 Figure E3801.4; countertop receptacles

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

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Sec. 228. Change FIGURE E3801.4 as follows: Add to FIGURE E3801.4 text to read “GFCI” next to the receptacle for the island countertop. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-228*)

675 IAC 14-4.3-229 Section E3801.4.5; receptacle outlet location

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 229. Change the first sentence of SECTION E3801.4.5 to read as follows: Receptacle outlets shall be located above, but not more than 20 inches (508 mm) above the countertop. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-229*)

675 IAC 14-4.3-230 Section E3801.6; bathroom

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 230. In SECTION E3801.6, delete the second sentence and substitute: The receptacle outlet shall be located on a wall or partition that is adjacent to the basin or basin countertop. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-230*)

675 IAC 14-4.3-231 Section E3801.9; basements and garages

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 231. In the last sentence of SECTION E3801.9, delete “in the unfinished portion” and substitute “in each separate unfinished portion”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-231*)

675 IAC 14-4.3-232 Section E3801.11; HVAC outlet

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 232. In the first sentence of SECTION E3801.11, delete “located in attics and crawl spaces” without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-232*)

675 IAC 14-4.3-233 Section E3802.8; boathouse receptacles

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 233. Change SECTION 3802.8 to read as follows: All 125-volt, single phase, 15 or 20 ampere receptacles installed in boathouses shall have ground-fault circuit-interrupter protection for personnel. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-233*)

675 IAC 14-4.3-234 Section E3802.11; bedroom outlets

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 234. In SECTION E3802.11, add “receptacle” after “20-ampere” and before “outlets”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-234*)

675 IAC 14-4.3-235 Section E3803.3; additional locations

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 235. In the second sentence, the third sentence, and the exception of SECTION E3803.3, delete “egress door” and substitute “entrances or exits”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-235*)

675 IAC 14-4.3-236 Section E3805.1; box, conduit body, or fitting; where required

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 236. In the first sentence of SECTION E3805.1, after “junction point”, insert “, termination point”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-236*)

675 IAC 14-4.3-237 Section E3805.3.1; nonmetallic-sheathed cable and nonmetallic boxes

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 237. In SECTION E3805.3.1, after “Where nonmetallic-sheathed cable”, insert “or multiconductor Type UF cable” and, after “¼ inch (6.4 mm)”, insert “and beyond any cable clamp”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-237*)

675 IAC 14-4.3-238 Section E3805.3.2; securing to box

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 238. In SECTION E3805.3.2, in the exception, after “Where nonmetallic-sheathed”, insert “or multiconductor Type UF” and, at the end of the exception, insert “Multiple cable entries shall be permitted in a single cable knockout opening”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-238*)

675 IAC 14-4.3-239 Section E3806.5; in wall or ceiling

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 239. In SECTION E3806.5, in the first sentence, after “tile”, insert “, gypsum, plaster” and, in the second sentence, after “combustible”, insert “surface”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-239*)

675 IAC 14-4.3-240 Section E3806.8.2.1; nails

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 240. Change the section heading to “Nails and screws”. In the text, delete “Nails”, and insert “Nails and screws”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-240)

675 IAC 14-4.3-241 Section E3807.7; cables
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 241. At the end of Part 6 in the exception, delete the words “the applicable article”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-241)

675 IAC 14-4.3-242 Section E3808.7; load-side equipment
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 242. Add EXCEPTION 2 to SECTION E3808.7 to read as follows: EXCEPTION 2. It shall be permissible to ground meter enclosures by connection to the grounded circuit conductor on the load-side of the service if:

- (1) all meter enclosures are located near the service disconnecting means; and
- (2) the size of the grounded circuit conductor is not smaller than the size specified in TABLE E3808.12 for equipment grounding conductors.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-242)

675 IAC 14-4.3-243 Section E3808.8; types of equipment grounding conductors
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 243. In SECTION E3808.8, delete the first sentence in Item 1 and insert “A copper, aluminum, or copper-clad aluminum conductor”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-243)

675 IAC 14-4.3-244 Section E3901.3; indicating
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 244. Make the following changes to SECTION E3901.3: (a) In the second sentence, delete “single throw”.

(b) Add an exception to read as follows: “Vertically operated double-throw switches shall be permitted to be in the closed (on) position with the handle in either the up or down position”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-244)

675 IAC 14-4.3-245 Section E3902.9; outdoor locations
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 245. Delete SECTION E3902.9 without substitution.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-245)

675 IAC 14-4.3-246 Section E3902.10; wet locations other than outdoors
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 246. Delete the title of SECTION E3902.10 and substitute “Exterior wet locations”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-246)

675 IAC 14-4.3-247 Section E3902.13; outdoor installation
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 247. Delete SECTION E3902.13 without substitution. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-247)

675 IAC 14-4.3-248 Section E3903.11; fixtures in clothes closets
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 248. In SECTION E3903.11, in Item 4, delete “on”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-248)

675 IAC 14-4.3-249 Table E4103.5; overhead conductor clearances
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 249. In TABLE E4103.5, in the second column, delete “22” and substitute “22.5” and delete “14” and substitute “14.5”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-249)

675 IAC 14-4.3-250 Section E4104.1; bonded parts
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 250. In SECTION E4104.1, at the end of Item 1, add a sentence to read as follows: Where reinforcing steel is encapsulated with a nonconductive compound, provisions shall be made for an alternative means to eliminate voltage gradients that would otherwise be provided by unencapsulated, bonded reinforcing steel. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-250)

675 IAC 14-4.3-251 Section E4106.8.2; other enclosures
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 251. In SECTION E4106.8.2, add requirement 6 to read as follows: 6. Comprised of copper, brass, suitable plastic, or other approved corrosion-resistant material.

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(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-251*)

675 IAC 14-4.3-252 Section E4106.10; electrically operated pool covers

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 252. In SECTION E4106.10, add a sentence to read as follows: The device that controls the operation of the motor for an electrically operated pool cover shall be located so that the operator has full view of the pool. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-252*)

675 IAC 14-4.3-253 Section E4106.12.2; permanently wired radiant heaters

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 253. In SECTION E4106.12.2, after the second sentence, delete the period and insert “unless otherwise approved.”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-253*)

675 IAC 14-4.3-254 Section E4201.2; definitions

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 254. In SECTION E4201.2, before the definition of Class 2 circuit, insert “ABANDONED CLASS 2 CABLE” and its definition to read as follows: Installed Class 2 cable that is not terminated at equipment and not identified for future use with a tag. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-254*)

675 IAC 14-4.3-255 Section E4201.3; spread of fire or products of combustion

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 255. Add a new SECTION E4201.3 to the end of SECTION E4201 to read as follows: E4201.3 Spread of fire or products of combustion. The accessible portion of abandoned Class 2 cables shall not be permitted to remain. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-255*)

675 IAC 14-4.3-256 Chapter 43; referenced standards

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 256. Delete, in the first paragraph of CHAPTER 43, “Section 102.4” and substitute to read as follows: SECTION R102. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-256*)

675 IAC 14-4.3-257 Appendix A; sizing and capacities of gas pipe

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 257. Delete APPENDIX A. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-257*)

675 IAC 14-4.3-258 Appendix B; sizing of venting systems serving appliances equipped with draft hoods, Category 1 appliances, and appliances listed for use and Type B vents

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 258. Delete APPENDIX B. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-258*)

675 IAC 14-4.3-259 Appendix C; exit terminals of mechanical draft and direct-vent systems

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 259. Delete APPENDIX C. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-259*)

675 IAC 14-4.3-260 Appendix D; recommend procedure for safety inspection of an existing appliance installation

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 260. Delete APPENDIX D. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-260*)

675 IAC 14-4.3-261 Appendix E; manufactured housing used as dwellings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 261. (a) Change the second paragraph of AE101.1 General to read as follows: AE 101.2 Applicability. These provisions shall be applicable only to a manufactured home or mobile home used as a dwelling unit on privately owned (nonrental) lots and shall apply to the following:

1. Construction or alteration of any foundation system that is necessary to provide for the installation of a manufactured home unit.
2. Construction, installation, addition, or alteration of the building service equipment that is necessary for connecting manufactured homes to water, fuel, or power supplies and sewage systems.
3. Alterations or additions to existing manufactured homes. The construction, alteration, and use of accessory buildings and structures and their building service equipment shall comply with the applicable requirements of the Indiana Residential Code (675 IAC 14).

These provisions shall not be applicable to the design and factory construction of manufactured homes nor shall they be deemed to authorize either modifications or additions to manufactured homes.

(b) Change subsection AE102.1 to read as follows: Manufactured homes and their building service equipment to which additions or alterations are made shall comply with all of the applicable requirements of the Indiana Residential Code (675 IAC 14) for new facilities.

(c) Change the title and text of subsection AE102.2 to read as follows: AE102.2 Additions. Additions made to a manufactured home shall conform to the requirements of this code and all other applicable Indiana codes. Additions shall be structurally independent from the manufactured home.

EXCEPTION: Structural independence need not be provided when:

- (1) structural calculations are provided to the building official confirming that the addition will not adversely affect the structural integrity of the manufactured home, or
- (2) the manufacturer of the home confirms, in writing, that the home will safely support the structural loads imposed by the proposed addition.

(d) Add subsection AE102.2.1 to read as follows: AE102.2.1 Alterations. Alterations may be made to any manufactured home or to its building service equipment without requiring the existing manufactured home or its building service equipment to comply with all the requirements of these provisions, provided the alteration or additions conform to that required for new construction, and provided further that no hazard to life, health, or safety will be created by such additions or alterations.

(e) Delete subsection AE102.3 without substitution.

(f) Change subsection AE102.4 to read as follows: The use or occupancy of any manufactured home shall not be changed unless evidence is provided to show compliance with the applicable rules of the Fire Prevention and Building Safety Commission for the new use or occupancy and be released for construction when required by the General Administrative Rules (675 IAC 12).

(g) Delete AE102.5 without substitution.

(h) Change subsection AE301.1 to read as follows: Where required by local ordinance, a manufactured home shall not be installed or altered without first obtaining a permit.

(i) Change the title and text of subsection AE301.2 to read as follows: AE301.2 Additions and alterations to a manufactured home. Where required by local ordinance, a permit shall be obtained to alter, remodel, or add accessory

buildings or structures to a manufactured home.

(j) Delete subsection AE301.3 without substitution.

(k) Delete subsection AE301.4 without substitution.

(l) Delete section AE302 without substitution.

(m) Delete section AE303 without substitution.

(n) Delete section AE304 without substitution.

(o) Delete section AE305 without substitution.

(p) Delete section AE306 without substitution.

(q) Delete section AE307 without substitution.

(r) Change section AE402 to read as follows: Manufactured homes and their accessory buildings shall be located on the property in accordance with the applicable sections of the Indiana Residential Code (675 IAC 14) and the ordinances of the jurisdiction in which the home is sited.

(s) Change the exception in subsection AE501.1 to read as follows: **EXCEPTION:** When specifically approved by the building official, foundation and anchoring systems that are constructed in accordance with the methods specified in Section A600 of this code.

(t) Change the text of AE502.1 to read as follows: Foundation systems designed and constructed in accordance with this section shall be considered as a permanent installation. Where the manufacturer's installation instructions and foundation design details for the home are available, the foundation system shall be installed in accordance with those instructions.

(u) Change subsection AE502.5 to read as follows: Provisions shall be made for the control and drainage of surface water away from the manufactured home in accordance with SECTION 401.3 of this code.

(v) Change subsection AE504 to read as follows: Accessory structures shall not be structurally supported by a manufactured home.

EXCEPTION: Structural independence need not be provided when:

1. structural calculations are provided to the building official confirming that the addition will not adversely affect the structural integrity of the manufactured home, or
2. the manufacturer of the home confirms, in writing, that the home will safely support the structural loads imposed by the proposed accessory structure.

(w) Change SECTION AE505 to read as follows: The

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alteration, replacement, or addition to the building service equipment, other than that required for the initial installation of the manufactured home, shall conform to the regulations set forth in this code.

(x) Delete subsection AE506.2 without substitution.

(y) Change subsection AE507 to read as follows: Alterations made to a manufactured home subsequent to its initial installation shall conform to the occupancy, fire safety, and energy conservation requirements set forth in, or referenced by, the applicable rules of the Fire Prevention and Building Safety Commission.

(z) Change AE604.1 to read as follows: Ground Anchors. Ground anchors shall be designed and installed to transfer the anchoring loads to the ground. The ground anchors shall be sized and installed to the full depth and as specified in the manufacturer's installation manual and shall be installed in undisturbed soil.

(aa) Change subsection AE604.3 to read as follows: All anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.625 ounces per square foot on each side of the surface coated.

(bb) Add a new section AE701 Manufacturer's Installation Instructions to read as follows: Manufacturer's Installation Instructions. When the manufacturer's installation instructions are available, manufactured homes installed upon owned (nonrental) lots shall be installed per those installation instructions. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-261*)

675 IAC 14-4.3-262 Appendix F; radon control methods
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 262. Delete APPENDIX F. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-262*)

675 IAC 14-4.3-263 Appendix G; swimming pools, spas, and hot tubs
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 263. Delete APPENDIX G and substitute to read as follows: See the Indiana Swimming Pool Code (675 IAC 20). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-263*)

675 IAC 14-4.3-264 Appendix H; patio covers
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 264. Delete APPENDIX H. (*Fire Prevention and*

Building Safety Commission; 675 IAC 14-4.3-264)

675 IAC 14-4.3-265 Appendix I; private sewage disposal
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 265. Delete APPENDIX I. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-265*)

675 IAC 14-4.3-266 Appendix J; existing buildings and structures
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 266. Delete APPENDIX J and substitute to read as follows: See the General Administrative Rules (675 IAC 12) and local ordinance. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-266*)

675 IAC 14-4.3-267 Appendix K; sound transmission
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 267. Delete Appendix K. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-267*)

675 IAC 14-4.3-268 Appendix L; ICC International Residential Electrical Provisions/National Electrical Code Cross Reference
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 268. Delete Appendix L. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-268*)

SECTION 2. THE FOLLOWING ARE REPEALED: 675 IAC 14-4.2-1; 675 IAC 14-4.2-2; 675 IAC 14-4.2-3; 675 IAC 14-4.2-4; 675 IAC 14-4.2-5; 675 IAC 14-4.2-6; 675 IAC 14-4.2-7; 675 IAC 14-4.2-8; 675 IAC 14-4.2-9; 675 IAC 14-4.2-10; 675 IAC 14-4.2-11; 675 IAC 14-4.2-12; 675 IAC 14-4.2-13; 675 IAC 14-4.2-13.5; 675 IAC 14-4.2-14; 675 IAC 14-4.2-15; 675 IAC 14-4.2-15.5; 675 IAC 14-4.2-16; 675 IAC 14-4.2-17; 675 IAC 14-4.2-18; 675 IAC 14-4.2-19; 675 IAC 14-4.2-19.5; 675 IAC 14-4.2-20; 675 IAC 14-4.2-20.5; 675 IAC 14-4.2-21; 675 IAC 14-4.2-22; 675 IAC 14-4.2-23; 675 IAC 14-4.2-24; 675 IAC 14-4.2-25; 675 IAC 14-4.2-26; 675 IAC 14-4.2-26.5; 675 IAC 14-4.2-27; 675 IAC 14-4.2-27.5; 675 IAC 14-4.2-28; 675 IAC 14-4.2-29; 675 IAC 14-4.2-30; 675 IAC 14-4.2-31; 675 IAC 14-4.2-32; 675 IAC 14-4.2-33; 675 IAC 14-4.2-34; 675 IAC 14-4.2-35; 675 IAC 14-4.2-36; 675 IAC 14-4.2-37; 675 IAC 14-4.2-37.5; 675 IAC 14-4.2-38; 675 IAC 14-4.2-39; 675 IAC 14-4.2-40; 675 IAC 14-4.2-41; 675 IAC 14-4.2-42; 675 IAC 14-4.2-43; 675 IAC 14-4.2-44; 675 IAC 14-4.2-45; 675 IAC 14-4.2-45.3; 675 IAC 14-4.2-45.5; 675 IAC 14-4.2-45.6; 675 IAC 14-4.2-46; 675 IAC 14-4.2-46.5; 675 IAC 14-4.2-46.6; 675 IAC 14-4.2-46.8; 675 IAC 14-4.2-47; 675 IAC 14-4.2-48; 675 IAC 14-4.2-49; 675 IAC 14-4.2-49.1; 675 IAC

14-4.2-49.3; 675 IAC 14-4.2-49.5; 675 IAC 14-4.2-50; 675 IAC 14-4.2-51; 675 IAC 14-4.2-52; 675 IAC 14-4.2-53; 675 IAC 14-4.2-53.7; 675 IAC 14-4.2-54; 675 IAC 14-4.2-55; 675 IAC 14-4.2-56; 675 IAC 14-4.2-57; 675 IAC 14-4.2-58; 675 IAC 14-4.2-59; 675 IAC 14-4.2-60; 675 IAC 14-4.2-61; 675 IAC 14-4.2-62; 675 IAC 14-4.2-63; 675 IAC 14-4.2-64; 675 IAC 14-4.2-65; 675 IAC 14-4.2-66; 675 IAC 14-4.2-67; 675 IAC 14-4.2-67.5; 675 IAC 14-4.2-68; 675 IAC 14-4.2-69; 675 IAC 14-4.2-69.5; 675 IAC 14-4.2-69.6; 675 IAC 14-4.2-70; 675 IAC 14-4.2-71; 675 IAC 14-4.2-72; 675 IAC 14-4.2-73; 675 IAC 14-4.2-73.5; 675 IAC 14-4.2-74; 675 IAC 14-4.2-75; 675 IAC 14-4.2-75.5; 675 IAC 14-4.2-76; 675 IAC 14-4.2-77; 675 IAC 14-4.2-77.5; 675 IAC 14-4.2-77.6; 675 IAC 14-4.2-77.7; 675 IAC 14-4.2-78; 675 IAC 14-4.2-78.5; 675 IAC 14-4.2-79; 675 IAC 14-4.2-80; 675 IAC 14-4.2-81; 675 IAC 14-4.2-81.2; 675 IAC 14-4.2-81.3; 675 IAC 14-4.2-81.7; 675 IAC 14-4.2-82; 675 IAC 14-4.2-83; 675 IAC 14-4.2-84; 675 IAC 14-4.2-84.5; 675 IAC 14-4.2-85; 675 IAC 14-4.2-85.5; 675 IAC 14-4.2-86; 675 IAC 14-4.2-87; 675 IAC 14-4.2-88; 675 IAC 14-4.2-89; 675 IAC 14-4.2-89.2; 675 IAC 14-4.2-89.5; 675 IAC 14-4.2-89.6; 675 IAC 14-4.2-89.8; 675 IAC 14-4.2-89.9; 675 IAC 14-4.2-90; 675 IAC 14-4.2-91; 675 IAC 14-4.2-92; 675 IAC 14-4.2-93; 675 IAC 14-4.2-94; 675 IAC 14-4.2-95; 675 IAC 14-4.2-96; 675 IAC 14-4.2-96.2; 675 IAC 14-4.2-97; 675 IAC 14-4.2-97.5; 675 IAC 14-4.2-97.9; 675 IAC 14-4.2-98; 675 IAC 14-4.2-99; 675 IAC 14-4.2-100; 675 IAC 14-4.2-101; 675 IAC 14-4.2-102; 675 IAC 14-4.2-103; 675 IAC 14-4.2-104; 675 IAC 14-4.2-105; 675 IAC 14-4.2-105.5; 675 IAC 14-4.2-106; 675 IAC 14-4.2-107; 675 IAC 14-4.2-108; 675 IAC 14-4.2-109; 675 IAC 14-4.2-110; 675 IAC 14-4.2-111; 675 IAC 14-4.2-112; 675 IAC 14-4.2-112.5; 675 IAC 14-4.2-113; 675 IAC 14-4.2-114; 675 IAC 14-4.2-115; 675 IAC 14-4.2-116; 675 IAC 14-4.2-117; 675 IAC 14-4.2-118; 675 IAC 14-4.2-119; 675 IAC 14-4.2-120; 675 IAC 14-4.2-121; 675 IAC 14-4.2-122; 675 IAC 14-4.2-123; 675 IAC 14-4.2-124; 675 IAC 14-4.2-125; 675 IAC 14-4.2-126; 675 IAC 14-4.2-127; 675 IAC 14-4.2-128; 675 IAC 14-4.2-129; 675 IAC 14-4.2-130; 675 IAC 14-4.2-131; 675 IAC 14-4.2-132; 675 IAC 14-4.2-133; 675 IAC 14-4.2-134; 675 IAC 14-4.2-135; 675 IAC 14-4.2-136; 675 IAC 14-4.2-137; 675 IAC 14-4.2-138; 675 IAC 14-4.2-139; 675 IAC 14-4.2-140; 675 IAC 14-4.2-141; 675 IAC 14-4.2-142; 675 IAC 14-4.2-143; 675 IAC 14-4.2-144; 675 IAC 14-4.2-145; 675 IAC 14-4.2-146; 675 IAC 14-4.2-147; 675 IAC 14-4.2-148; 675 IAC 14-4.2-149; 675 IAC 14-4.2-150; 675 IAC 14-4.2-151; 675 IAC 14-4.2-152; 675 IAC 14-4.2-153; 675 IAC 14-4.2-154; 675 IAC 14-4.2-155; 675 IAC 14-4.2-156; 675 IAC 14-4.2-157; 675 IAC 14-4.2-158; 675 IAC 14-4.2-159; 675 IAC 14-4.2-160; 675 IAC 14-4.2-161; 675 IAC 14-4.2-162; 675 IAC 14-4.2-163; 675 IAC 14-4.2-164; 675 IAC 14-4.2-165; 675 IAC 14-4.2-166; 675 IAC 14-4.2-167; 675 IAC 14-4.2-168; 675 IAC 14-4.2-169; 675 IAC 14-4.2-170; 675 IAC 14-4.2-171; 675 IAC 14-4.2-171.5; 675 IAC 14-4.2-172; 675 IAC 14-4.2-173; 675 IAC 14-4.2-174; 675 IAC 14-4.2-174.5; 675 IAC 14-4.2-175; 675 IAC 14-4.2-176; 675 IAC 14-4.2-177; 675 IAC 14-4.2-177.5; 675 IAC 14-4.2-178; 675 IAC 14-4.2-179; 675 IAC 14-4.2-180; 675 IAC 14-4.2-181; 675 IAC 14-4.2-181.1; 675

IAC 14-4.2-182; 675 IAC 14-4.2-182.1; 675 IAC 14-4.2-183; 675 IAC 14-4.2-184; 675 IAC 14-4.2-185; 675 IAC 14-4.2-185.1; 675 IAC 14-4.2-186; 675 IAC 14-4.2-187; 675 IAC 14-4.2-187.1; 675 IAC 14-4.2-187.2; 675 IAC 14-4.2-187.3; 675 IAC 14-4.2-187.4; 675 IAC 14-4.2-188; 675 IAC 14-4.2-189; 675 IAC 14-4.2-189.2; 675 IAC 14-4.2-190; 675 IAC 14-4.2-190.1; 675 IAC 14-4.2-190.2; 675 IAC 14-4.2-190.3; 675 IAC 14-4.2-190.4; 675 IAC 14-4.2-190.5; 675 IAC 14-4.2-191; 675 IAC 14-4.2-191.1; 675 IAC 14-4.2-191.2; 675 IAC 14-4.2-191.3; 675 IAC 14-4.2-191.4; 675 IAC 14-4.2-191.5; 675 IAC 14-4.2-192; 675 IAC 14-4.2-192.1; 675 IAC 14-4.2-192.2; 675 IAC 14-4.2-192.3; 675 IAC 14-4.2-192.4; 675 IAC 14-4.2-192.5; 675 IAC 14-4.2-192.6; 675 IAC 14-4.2-193; 675 IAC 14-4.2-193.1; 675 IAC 14-4.2-193.2; 675 IAC 14-4.2-193.3; 675 IAC 14-4.2-193.4; 675 IAC 14-4.2-193.5; 675 IAC 14-4.2-194; 675 IAC 14-4.2-194.1; 675 IAC 14-4.2-194.2; 675 IAC 14-4.2-194.3; 675 IAC 14-4.2-194.4; 675 IAC 14-4.2-194.5; 675 IAC 14-4.2-194.6; 675 IAC 14-4.2-194.7; 675 IAC 14-4.2-195; 675 IAC 14-4.2-196; 675 IAC 14-4.2-197; 675 IAC 14-4.2-198; 675 IAC 14-4.2-199; 675 IAC 14-4.2-200; 675 IAC 14-4.2-201; 675 IAC 14-4.2-202; 675 IAC 14-4.2-203; 675 IAC 14-4.2-204; 675 IAC 14-4.2-205; 675 IAC 14-4.2-206.

SECTION 3. SECTIONS 1 and 2 of this document take effect ninety (90) days after filing with the secretary of state.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on December 15, 2004 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Training Center Room 5, Indianapolis, Indiana; AND on February 1, 2005, at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana the Fire Prevention and Building Safety Commission will hold a public hearing on the proposed adoption of the 2003 International Residential Code for One and Two Family Dwellings. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W246 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Luther J. Taylor, Sr.
Secretary
Fire Prevention and Building Safety Commission

TITLE 760 DEPARTMENT OF INSURANCE

Proposed Rule
LSA Document #04-39

DIGEST

Adds 760 IAC 1-70 regarding a health maintenance organization's plan for covering outstanding claims in the event the

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health maintenance organization enters receivership. *NOTE: LSA Document #04-39, printed at 27 IR 2560, was resubmitted for publication. Effective 30 days after filing with the secretary of state.*

760 IAC 1-70

SECTION 1. 760 IAC 1-70 IS ADDED TO READ AS FOLLOWS:

Rule 70. Health Maintenance Organization Plan for Continuation of Benefits in the Event of Receivership

760 IAC 1-70-1 Applicability and scope

Authority: IC 27-13-16-5; IC 27-13-35-1
Affected: IC 27-13-1; IC 27-13-16-1

Sec. 1. This rule is intended to prescribe a form and standards for the plan required of all health maintenance organizations to provide for continuation of benefits in the event a health maintenance organization is placed into receivership. (*Department of Insurance; 760 IAC 1-70-1*)

760 IAC 1-70-2 Definitions

Authority: IC 27-13-16-5; IC 27-13-35-1
Affected: IC 27-13-1; IC 27-13-16-1

Sec. 2. The definitions in IC 27-13-1 and the following definitions apply throughout this rule:

- (1) "Insurer" means the insurance company that issues an insolvency insurance policy to a health maintenance organization.
- (2) "Plan" means the plan for handling receivership required by IC 27-13-16-1.
- (3) "Total projected costs" means the amount on line 10 of the form set forth in section 8 of this rule.

(*Department of Insurance; 760 IAC 1-70-2*)

760 IAC 1-70-3 General requirements

Authority: IC 27-13-16-5; IC 27-13-35-1
Affected: IC 27-13-8-3

Sec. 3. (a) Each health maintenance organization shall maintain a plan acceptable to the commissioner for continuation of benefits in the event of receivership.

(b) The plan must finance the greater of one million dollars (\$1,000,000) or total projected costs in the event of receivership as calculated by the form set forth in section 8 of this rule.

(c) The plan may utilize the following for financing the health maintenance organization's obligation for continuation of benefits in the event of receivership:

- (1) Letters of guarantee from a parent company.
- (2) Conversion policies.
- (3) Insolvency insurance policies.
- (4) Additional deposits.

(d) The plan must be filed with the department by March

1 of each year. Any proposed amendment to the plan shall be filed with the department at least thirty (30) days before being adopted.

(e) The form prescribed in section 8 of this rule shall be filed with the department on a quarterly basis with the financial reports required under IC 27-13-8-3(c). (*Department of Insurance; 760 IAC 1-70-3*)

760 IAC 1-70-4 Projected costs

Authority: IC 27-13-16-5; IC 27-13-35-1
Affected: IC 27-13

Sec. 4. The health maintenance organization shall calculate its total projected costs under Part 2 of the form set forth in section 8 of this rule. (*Department of Insurance; 760 IAC 1-70-4*)

760 IAC 1-70-5 Parental guarantee

Authority: IC 27-13-16-5; IC 27-13-35-1
Affected: IC 27-13

Sec. 5. If a health maintenance organization's plan includes a parental guarantee, the health maintenance organization shall submit to the department the most recent audited financial statements of the parent company. The financial statements shall be filed annually and shall be updated within thirty (30) days of any material change to the financial condition of the parent company. (*Department of Insurance; 760 IAC 1-70-5*)

760 IAC 1-70-6 Insolvency insurance policy

Authority: IC 27-13-16-5; IC 27-13-35-1
Affected: IC 27-13

Sec. 6. An insolvency insurance policy shall contain the following provisions:

(1) Any grace period for payment of premium shall not exceed thirty (30) days.

(2) A provision that the department shall be notified in writing within five (5) business days if either of the following occurs:

(A) The health maintenance organization fails to pay the required premium on the date premium is due without the benefit of any grace period.

(B) The health maintenance organization or the insurer tenders notice to terminate or terminates the policy for any reason.

(3) Coverage under the policy shall include benefits as defined in the evidence of coverage for all eligible enrollees on the date the health maintenance organization is placed into receivership.

(4) The policy shall not contain any deductibles or coinsurance provisions.

(5) The policy must state that it provides insolvency coverage for Indiana members only.

(*Department of Insurance; 760 IAC 1-70-6*)

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760 IAC 1-70-7 Deposits

Authority: IC 27-13-16-5; IC 27-13-35-1
 Affected: IC 27-13-13-1

Sec. 7. If a health maintenance organization posts an additional deposit to finance its plan, the deposit shall be in the form required by IC 27-13-13-1. Any such deposit shall be in addition to the amount required by IC 27-13-13-1.
(Department of Insurance; 760 IAC 1-70-7)

760 IAC 1-70-8 Form for calculating the total projected costs

Authority: IC 27-13-16-5; IC 27-13-35-1
 Affected: IC 27-13-13; IC 27-13-16-1

Sec. 8. The form required by sections 3 and 4 of this rule is as follows:

Plan for handling receivership in accordance with IC 27-13-16-1

Company Name: _____ NAIC No. _____

Completed by: _____

For purposes of this calculation, estimated costs will be based on 30 days of continued benefits after an insolvency (IC 27-13-16-1)

	<u>Input Required</u>
1. Premium Revenue less Federal Employees Health Benefit Plan less Medicare less Medicaid (If prepared on a quarterly basis, use annualized premium revenue)	Financial Statement, Analysis of Operations by Lines of Business
2. Medical Expense (Total Hospital and Medical Expense less Federal Employees Health Benefit Plan less Medicare less Medicaid less 50% Capitated Medical Expense) (If prepared on a quarterly basis, use annualized medical expense)	Financial Statement, Analysis of Operations by Lines of Business; Summary of Transactions of Providers
3. Administrative Expense less Federal Employees Health Benefit Plan less Medicare less Medicaid (If prepared on a quarterly basis, use annualized administrative expense)	Financial Statement, Analysis of Operations by Lines of Business

Assumptions

A) Increased medical expense, as a % of premium	10%
B) Admin costs	
Month 1, as a percent of current	70%
Month 2, as a percent of current	50%
Month 3, as a percent of current	40%
C) Costs for Indiana insolvency, legal and consulting	\$400,000
D) Premium Collection percentage	96%

4. Medical Expense Ratio (Medical Expenses/Premium Revenue)	
5. Administrative Expenses Ratio (Administrative Expenses/Premium Revenue)	
6. Assumed Insolvent Medical Expense Ratio (Medical Expense Ratio + Assumption A)	

Calculation for Costs of Continued Benefits

Medical Expense ((Annualized Premium Revenue * Assumed Insolvent Medical Exp Ratio)/12)	
Less: Premium (((Annualized Premium Revenue * Assumption D)/12)	
7. Net Medical Costs	
Administration	
Month 1 (((Annualized Premium Revenue * Administrative Expense Ratio)/12)*Assumption B)	
Month 2 (((Annualized Premium Revenue * Administrative Expense Ratio)/12)*Assumption B)	
Month 3 (((Annualized Premium Revenue * Administrative Expense Ratio)/12)*Assumption B)	
8. Administrative Costs	

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9. Closing Costs (Fixed Costs)	\$400,000
10. Projected Costs (Medical Costs + Administrative Costs + Closing Costs)	
11. Deposits-IC 27-13-13	\$500,000
12. Total Projected Costs (Projected Costs - Deposits)	
13. Amount to be financed – the greater of Total Projected Costs (line 12) or one million dollars (\$1,000,000)	

(Department of Insurance; 760 IAC 1-70-8)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 26, 2004 at 10:00 a.m., at the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana the Department of Insurance will hold a public hearing on a proposed new rule regarding health maintenance organizations' plans for insolvency. Copies are available on the Department of Insurance's Web site at www.state.in.us/idoi. Copies of these rules are now on file at the Department of Insurance, 311 West Washington Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Amy E. Strati
Acting Commissioner
Department of Insurance

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

Proposed Rule
LSA Document #04-17
DIGEST

Amends 844 IAC 12-5-4 to establish the requirements to perform hypnosis in a group setting. Effective 30 days after filing with the secretary of state.

844 IAC 12-5-4

SECTION 1. 844 IAC 12-5-4 IS AMENDED TO READ AS FOLLOWS:

844 IAC 12-5-4 Professional practice

Authority: IC 25-20.5-1-9
Affected: IC 25-20.5-1

- Sec. 4. (a) A hypnotist or hypnotherapist shall:
- (1) accept responsibility for his or her work; ~~and~~
 - (2) ensure his or her services are used appropriately; ~~A hypnotist or hypnotherapist shall~~
 - (3) make no unsubstantiated claims for his or her work; ~~and shall~~
 - (4) avoid relationships limiting impartiality; ~~and~~
 - (b) ~~A hypnotist or hypnotherapist shall~~ (5) only provide

services and use techniques for which ~~her~~ **he** or she is qualified by training and experience.

- (~~e~~) (b) A hypnotist or hypnotherapist shall not:
- (1) diagnose, treat, or advise on matters outside his or her recognized scope of practice; ~~or~~
 - (~~d~~) ~~A hypnotist or hypnotherapist shall not~~ (2) engage in sexual relationships with a current patient or with a former patient until at least five (5) years after a professional relationship has been terminated.

(~~e~~) (c) Hypnotists or hypnotherapists shall fully disclose and not misuse the purpose and nature of an evaluation, treatment, assessment technique, or educational procedure. The patient shall, at any time, discontinue an evaluation, treatment, assessment technique, or educational procedure unless explicitly agreed upon in advance by the practitioner and patient.

(~~f~~) (d) Hypnotists or hypnotherapists shall report any known violation of IC 25-20.5-1 or this article.

(e) A hypnotist or hypnotherapist shall not perform hypnosis in a group setting larger than three (3) people per session for the treatment of the following:

- (1) Addictions.
- (2) Pain and stress management.
- (3) Phobias.
- (4) Self-hypnosis.
- (5) Sports enhancement.
- (6) Test taking.
- (7) Tobacco cessation.
- (8) Weight loss.

This subsection does not apply to or include educational courses where hypnosis is not performed as it relates to tobacco cessation, weight loss, relaxation, test taking, medical conditions, sports enhancement, and self-hypnosis conducted by a hypnotist. (*Medical Licensing Board of Indiana; 844 IAC 12-5-4; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1383*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on December 2, 2004 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing on proposed amendments to establish

the requirements to perform hypnosis in a group setting. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W066 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa R. Hayes
Executive Director
Health Professions Bureau

TITLE 845 BOARD OF PODIATRIC MEDICINE

Proposed Rule
LSA Document #04-134

DIGEST

Amends 845 IAC 1-5-3 to revise the list of board-approved continuing education programs. Effective 30 days after filing with the secretary of state.

845 IAC 1-5-3

SECTION 1. 845 IAC 1-5-3, AS AMENDED AT 27 IR 528, SECTION 8, IS AMENDED TO READ AS FOLLOWS:

845 IAC 1-5-3 Approval of continuing education programs

Authority: IC 25-29-2-11
Affected: IC 25-29-6-4

Sec. 3. To receive credit for continuing education programs, the program must be sponsored, accredited, or approved by any of the following organizations:

- (1) American Association of Podiatric Physicians and Surgeons.
- (2) American Medical Association (programs related to podiatric medicine).
- (3) American Society of Podiatric Dermatology.
- (4) American Society of Podiatric Medicine.
- (5) Council on Podiatric Medical Education.

(6) American Podiatric Medical Association.

~~(6)~~ (7) A national, regional, state, district, or local organization that operates as an affiliated entity under the approval of any organizations listed in subdivisions (1) through ~~(5)~~: (6).

~~(7)~~ (8) Any of the colleges of podiatric medicine accredited by the Council on Podiatric Medical Education.

~~(8)~~ (9) A federal, state, or local government agency that coordinates or presents continuing education programs related to podiatric medicine.

(Board of Podiatric Medicine; 845 IAC 1-5-3; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1531; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2726; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1284; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 528) NOTE: Transferred from the Medical Licens-

ing Board of Indiana (844 IAC 8-5-3) to the Board of Podiatric Medicine (845 IAC 1-5-3) by P.L.33-1993, SECTION 76, effective July 1, 1993.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 11, 2005 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Board of Podiatric Medicine will hold a public hearing on a proposed amendment to revise the list of board-approved continuing education programs. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W066 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa R. Hayes
Executive Director
Health Professions Bureau

TITLE 856 INDIANA BOARD OF PHARMACY

Proposed Rule
LSA Document #04-173

DIGEST

Amends 856 IAC 1-30 to revise the standards for the preparation, labeling, and distribution of sterile pharmaceutical products by licensed pharmacists. Effective 30 days after filing with the secretary of state.

- | | |
|-------------------------|------------------------|
| 856 IAC 1-30-2 | 856 IAC 1-30-6 |
| 856 IAC 1-30-3 | 856 IAC 1-30-7 |
| 856 IAC 1-30-4.1 | 856 IAC 1-30-8 |
| 856 IAC 1-30-4.2 | 856 IAC 1-30-9 |
| 856 IAC 1-30-4.3 | 856 IAC 1-30-14 |
| 856 IAC 1-30-4.4 | 856 IAC 1-30-17 |
| 856 IAC 1-30-4.5 | 856 IAC 1-30-18 |
| 856 IAC 1-30-4.6 | |

SECTION 1. 856 IAC 1-30-2 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-30-2 “Biological safety cabinet” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 2. As used in this rule, “biological safety cabinet” means a containment unit suitable for the preparation of low to moderate risk agents where there is a need for protection of the product, personnel, and environment, **according to National Sanitation Foundation (NSF) Standard 49.** *(Indiana Board of Pharmacy; 856 IAC 1-30-2; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1017, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effective-*

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ness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-6 was filed Jan 28, 1992.]; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330)

SECTION 2. 856 IAC 1-30-3 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-30-3 “Class 100 environment” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 3. As used in this rule, “Class 100 environment” means an ISO class 5 atmospheric environment, which contains less than one hundred (100) particles five-tenths (0.5) microns in diameter per cubic foot of air, according to the ISO for clean rooms and associated controlled environments. (Indiana Board of Pharmacy; 856 IAC 1-30-3; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1017, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-6 was filed Jan 28, 1992.]; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330)

SECTION 3. 856 IAC 1-30-4.1 IS ADDED TO READ AS FOLLOWS:

856 IAC 1-30-4.1 “Hazardous” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 4.1. As used in this rule, “hazardous” means any drug or waste that may:

- (1) be:
 - (A) cytotoxic;
 - (B) genotoxic;
 - (C) oncogenic;
 - (D) mutagenic; or
 - (E) teratogenic; or
- (2) otherwise pose a potential health hazard.

(Indiana Board of Pharmacy; 856 IAC 1-30-4.1)

SECTION 4. 856 IAC 1-30-4.2 IS ADDED TO READ AS FOLLOWS:

856 IAC 1-30-4.2 “ISO” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 4.2. (a) “ISO” means the International Organization for Standardization.

(b) That certain document being titled International Organization for Standardization, as published by the International Organization for Standardization 1, rue de Varembé, Case postale 56 CH-1211 Geneva 20, Switzerland is hereby incorporated by reference as if fully set out in this rule. (Indiana Board of Pharmacy; 856 IAC 1-30-4.2)

SECTION 5. 856 IAC 1-30-4.3 IS ADDED TO READ AS FOLLOWS:

856 IAC 1-30-4.3 “NSF” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 4.3. (a) “NSF” means the National Sanitation Foundation.

(b) That certain document being titled The Standard for Performance (copyright 2004), as published by the National Sanitation Foundation, P.O. Box 130140, 789 North Dixboro Road, Ann Arbor, Michigan 48113-0140 is hereby incorporated by reference as if fully set out in this rule. (Indiana Board of Pharmacy; 856 IAC 1-30-4.3)

SECTION 6. 856 IAC 1-30-4.4 IS ADDED TO READ AS FOLLOWS:

856 IAC 1-30-4.4 “Parenteral” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 4.4. As used in this rule, “parenteral” means a sterile preparation of drugs for injection through one (1) or more layers of the skin. (Indiana Board of Pharmacy; 856 IAC 1-30-4.4)

SECTION 7. 856 IAC 1-30-4.5 IS ADDED TO READ AS FOLLOWS:

856 IAC 1-30-4.5 “Positive patient outcome” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 4.5. As used in this rule, “positive patient outcome” means the:

- (1) cure or prevention of disease;
 - (2) elimination or reduction of symptoms; or
 - (3) arresting or slowing of a disease process;
- so as to improve the patient’s quality of life. (Indiana Board of Pharmacy; 856 IAC 1-30-4.5)

SECTION 8. 856 IAC 1-30-4.6 IS ADDED TO READ AS FOLLOWS:

856 IAC 1-30-4.6 “Product quality and characteristics” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 4.6. As used in this rule, “product quality and characteristics” means the following:

- (1) Sterility.
- (2) Potency associated with environmental quality.
- (3) Preparation activities.
- (4) Checks and tests.

(Indiana Board of Pharmacy; 856 IAC 1-30-4.6)

SECTION 9. 856 IAC 1-30-6 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-30-6 “Sterile pharmaceutical” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 6. As used in this rule, “sterile pharmaceutical” means **a any dosage form of a drug, free from living micro-organisms, microbial, chemical, or physical contamination including, but not limited to, parenterals, injectables, and ophthalmics.** (Indiana Board of Pharmacy; 856 IAC 1-30-6; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1017, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-6 was filed Jan 28, 1992.]; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330)

SECTION 10. 856 IAC 1-30-7 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-30-7 Policy and procedure manual

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 7. Each pharmacy preparing and dispensing sterile pharmaceuticals shall maintain a policy and procedure manual relating to **the compounding, dispensing, delivery, administration, storage, and use of sterile products pharmaceutical prescription or drug orders, or both,** as part of the pharmacy policy and procedure manual or as a separate policy and procedure manual. This manual shall be available at the pharmacy for inspection by the board or its designated inspector. The manual shall be reviewed annually by the pharmacist-in-charge and revised if needed. The manual shall include the name of the pharmacist-in-charge of the preparation of sterile pharmaceuticals and policies and procedures for the following:

- (1) Clinical services provided.
- (2) The handling, storage, disposal, and cleanup of accidental spills of **cytotoxic hazardous** drugs, if they are prepared.
- (3) Disposal of unused supplies and drugs.
- (4) Drug destruction and returns.
- (5) Drug dispensing.
- (6) Drug labeling and relabeling.
- (7) Drug storage.
- (8) Duties and qualifications for professional and nonprofessional staff.
- (9) Equipment.
- (10) Handling of infectious wastes, if drug products or administration devices are returned to the pharmacy after administration in the case of home administration.
- (11) Infusion devices and drug delivery systems, if utilized.
- (12) Investigational drugs, if dispensed.
- (13) Quality assurance procedures to include the following:

- (A) Recall procedures.
- (B) Storage and expiration dating.
- (C) Educational procedures for professional staff, nonprofessional staff, and **the** patient, if needed, in the case of home administration.
- (D) Sterile procedures to include monitoring the temperature of the refrigerator, routine maintenance, and report of hood certification.
- (E) Sterility testing or monitoring, if employed, in the case of routine bulk compounding from nonsterile chemicals.
- (14) Reference manuals.
- (15) Sterile product preparation procedures.

(Indiana Board of Pharmacy; 856 IAC 1-30-7; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1018, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-6 was filed Jan 28, 1992.]; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330)

SECTION 11. 856 IAC 1-30-8 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-30-8 Physical requirements

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 8. (a) A licensed pharmacy preparing sterile pharmaceuticals shall have a designated area for preparing compounded, sterile pharmaceuticals. The designated area shall be restricted to only those personnel authorized for the preparation of sterile pharmaceuticals. This area may be in a separate room or in a portion of a larger room. The area cannot be a warehouse or stockroom setting and must be free of dust and dirt.

(b) The designated preparation area shall be used only for the preparation of sterile pharmaceutical products and related functions.

(c) The licensed pharmacy preparing sterile pharmaceutical products shall have the following equipment:

(1) An environmental control device capable of maintaining at least **an ISO Class 5 (Class 100)** environment in the work space where critical objects are exposed and critical activities are performed. **This device must be capable of maintaining ISO Class 5 (Class 100) conditions during normal activity.** Examples of appropriate devices include **the following:**

- (A) Laminar airflow hood. **and**
- (B) Zonal laminar flow of high efficiency particulate air (HEPA) filtered air.
- (C) **Barrier isolators.**

(2) A sink with hot and cold running water **which that** is convenient to the compounding area **but outside the buffer area** for the purpose of hand scrubs **prior to before** compounding.

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(3) Disposal containers for used needles, syringes, gowns, gloves, etc., and, if applicable, **cytotoxic for hazardous** waste from the preparation of chemotherapy agents and infectious wastes from patients.

(4) Environmental controls including biohazard cabinetry when **cytotoxic hazardous** drug products are prepared.

(5) A refrigerator with a thermometer.

(6) **Infusion devices, if appropriate.**

(7) **Documentation to demonstrate adequate cleaning and sanitizing of the environment along with records of all necessary air sampling for particulates and microorganisms.**

(8) **Environmental control to maintain an ISO Class 8 (Class 100,000) conditions in the buffer area.**

(d) **The pharmacy shall maintain supplies adequate to maintain an environment suitable for the aseptic preparation of sterile products. All expired, recalled, or adulterated drug substances must be removed from the restricted area.** The licensed pharmacy preparing sterile pharmaceuticals shall include the following supplies:

(1) Disposable needles, syringes, and other supplies needed for aseptic admixture.

(2) Disinfectant cleaning **tools and** solutions.

(3) **A** hand washing agent with antibacterial action.

(4) Disposable towels or wipes.

(5) Filters and filtration equipment, if utilized.

(6) A **cytotoxic hazardous** drug spill kit shall be available in the facility if **cytotoxic hazardous** drugs are prepared.

(7) Disposable gowns and gloves.

(e) No one may have access to the pharmacy in the absence of the pharmacist, except as stated in ~~856 IAC 1-28-7~~. **856 IAC 1-28.1-8.**

(f) **The pharmacy shall have sufficient current reference materials related to sterile products to meet the need of pharmacy.** A pharmacy preparing sterile pharmaceuticals shall have in its reference library:

(1) the Handbook on Injectable Drugs, published by the American Society of Hospital Pharmacists (ASHP), 4630 Montgomery Avenue, Bethesda, Maryland 20814;

(2) the King's Guide to Parenteral Admixtures, published by Pacemarq Inc., 11701 Borman Drive, St. Louis, Missouri 63146; or

(3) other electronic database for determining mixing and administration guidelines and drug incompatibilities.

~~in addition to other publications as required in 856 IAC 1-6-2.~~

(g) If the pharmacy is handling or preparing **cytotoxic hazardous** drugs, the pharmacy shall have a **current** copy of Occupational Safety and Health Administration requirements for handling **cytotoxic hazardous** drugs as published ~~in by the~~ Occupational Safety and Health Administration, ~~Publication 8-1-1~~; Office of Occupational Medicine, Directorate of Technical

Support, Occupational Safety and Health Administration, U.S. Department of Labor. (*Indiana Board of Pharmacy; 856 IAC 1-30-8; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1018, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-6 was filed Jan 28, 1992.]; errata filed Mar 17, 1992, 10:20 a.m.: 15 IR 1394; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330*)

SECTION 12. 856 IAC 1-30-9 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-30-9 Personnel

Authority: IC 25-26-13-4

Affected: IC 25-26-13-18

Sec. 9. (a) Each pharmacist **and pharmacy technician** engaged in preparing sterile pharmaceuticals must be trained in the specialized functions of preparing and dispensing compounded, sterile pharmaceuticals, including the principles of aseptic technique and quality assurance. Documentation of such training or experience shall be made available for inspection by the board or its representatives.

(b) The qualifying pharmacist shall be responsible for the **following**:

(1) Purchasing, storage, compounding, repackaging, dispensing, and distribution of all sterile pharmaceuticals.

~~(c) The qualifying pharmacist shall also be responsible for the~~

(2) Development and continuing review of all:

(A) policies and procedures;

(B) training manuals; and

(C) quality assurance programs.

(c) **The qualifying pharmacist shall:**

(1) **assure the environmental control of all products shipped, as controllable by the pharmacist; and**

(2) **be responsible for adherence to all current USP standards related to sterile compounding of personnel cleansing and gowning.**

(*Indiana Board of Pharmacy; 856 IAC 1-30-9; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1019, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-6 was filed Jan 28, 1992.]; readopted filed Dec 2, 2001, 12:35 p.m.: 25 IR 1337*)

SECTION 13. 856 IAC 1-30-14 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-30-14 Records and reports

Authority: IC 25-26-13-4

Affected: IC 25-26-13-15; IC 25-26-13-18

Sec. 14. (a) The qualifying pharmacist shall be responsible for such records and reports as required to ensure the patient's health, safety, and welfare. Such records shall be readily

available and maintained for two (2) years from the date of issuance of the prescription or drug order and be subject to inspection by the Indiana board of pharmacy or its designated inspector. These records shall include the following:

- (1) Patient profile or medication record system.
- (2) Policy and procedure manual.
- (3) Training manuals.
- (4) Policies and procedures for disposal of **cytotoxic hazardous** waste, when applicable.

(b) Information regarding individual patients shall be maintained in a manner to assure confidentiality of the patient's record. Release of this information shall be in accordance with IC 25-26-13-15.

(c) If appropriate, the qualifying pharmacist must document the patient's training and competency in managing this type of therapy provided by the pharmacist to the patient in the home environment. A pharmacist must be involved in the patient training process in any area that is related to drug:

- (1) compounding;**
- (2) labeling;**
- (3) administration;**
- (4) storage;**
- (5) stability;**
- (6) compatibility; or**
- (7) disposal.**

The pharmacist must be responsible for seeing that the patient's competency in the areas in subdivisions (1) through (7) is reassessed on an ongoing basis. (*Indiana Board of Pharmacy; 856 IAC 1-30-14; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1020, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-6 was filed Jan 28, 1992.]; readopted filed Dec 2, 2001, 12:35 p.m.: 25 IR 1338*)

SECTION 14. 856 IAC 1-30-17 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-30-17 Hazardous drugs

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 17. **In addition to the minimum requirements for a pharmacy established by rules of the board,** the following ~~additional~~ requirements are necessary to ensure the protection of the personnel involved in those licensed pharmacies that prepare **cytotoxic hazardous** drugs:

- (1) All **cytotoxic hazardous** drugs shall be compounded in a vertical flow, Class II, biological safety cabinet. **If this unit is not dedicated for compounding hazardous drugs, policies and procedures must be in place for the cleaning and decontamination of this biological safety cabinet.**
- (2) Protective apparel shall be worn by personnel compound-

ing **cytotoxic hazardous** drugs. This shall include disposable gloves and gowns with tight cuffs.

(3) Appropriate safety and **special handling containment** techniques for compounding **cytotoxic hazardous** drugs shall be used in conjunction with the aseptic techniques required for preparing sterile products.

(4) Procedures for disposal of **cytotoxic hazardous** waste shall be specified within the policy and procedure manual as required by section 7 of this rule **and comply with all applicable local, state, and federal requirements.**

(5) Written procedures for handling both major and minor spills of **cytotoxic hazardous** agents must be developed and included in the policy and procedure manual.

(6) **Cytotoxic agents Prepared doses of hazardous drugs** shall be **properly dispensed and** labeled to identify the need for caution in handling, e.g., "Chemotherapy-Dispose of Properly". If shipped, the outer container must also be properly labeled with the same cautionary statement: **with proper precautions inside and outside and shipped in a manner to minimize the risk of accidental rupture of the primary container.**

(Indiana Board of Pharmacy; 856 IAC 1-30-17; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1020, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-6 was filed Jan 28, 1992.]; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330)

SECTION 15. 856 IAC 1-30-18 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-30-18 Quality assurance

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 18. (a) The designated qualifying pharmacist shall conduct a documented, ongoing quality assurance program that monitors personnel performance, equipment, and facilities. Samples of finished products shall be examined, or other continuous monitoring methods shall be used to assure that the pharmacy is capable of consistently preparing sterile pharmaceuticals meeting ~~their~~ specifications **in accordance with good compounding practices and the current USP/NF Chapter on sterile preparation.** Quality assurance procedures shall include the following:

- (1) Recall procedures for compounded sterile pharmaceuticals.
- (2) Storage and dating for compounded sterile pharmaceuticals.
- (3) Sterile procedures, including the following:
 - (A) Monitoring the temperature of the refrigerator.
 - (B) Routine maintenance.
 - (C) Report of laminar flow hood certification.
- (4) Written documentation of periodic hood cleaning.

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(b) All biological safety cabinets and Class 100 environments shall be certified by an independent contractor or facility specialist as meeting Federal Standard 209B or National Sanitation Foundation Standard 49, as referenced in section 2 of this rule, for operational efficiency. Such certification shall be performed ~~at least annually.~~ **every six (6) months.** Records documenting certification, **which at a minimum includes laminar air flow velocity and particle count,** shall be maintained for a period of not less than two (2) years.

(c) Prefilters for the clean air source shall be replaced or cleaned as applicable on a regular basis and the replacement or cleaning date documented.

(d) A vertical flow Class II biological safety cabinet may be used to compound any sterile pharmaceutical product; however, ~~it the cabinet~~ must be thoroughly cleaned between each use for ~~cytotoxic hazardous and noncytotoxic nonhazardous~~ drug compounding.

(e) If manufacturing of parenteral solutions is performed utilizing nonsterile chemicals, extensive end product testing, as referenced in Remington's Pharmaceutical Sciences, published by Mack Publishing Company, Easton, Pennsylvania 18042, or other Federal Drug Administration approved testing methods, must be documented prior to the release of the product from quarantine. This process must include appropriate tests for particulate matter, microbial contamination, and testing for pyrogens. This does not preclude the extemporaneous compounding of certain sterile pharmaceuticals.

(f) There shall be:

(1) written justification of the chosen expiration dates for compounded parenteral products documented in the policy and procedure manual; **and**

~~(g) There shall be~~ (2) documentation of quality assurance audits at planned intervals, including infection control and sterile technique audits.

(Indiana Board of Pharmacy; 856 IAC 1-30-18; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1021, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-6 was filed Jan 28, 1992.]; readopted filed Dec 2, 2001, 12:35 p.m.: 25 IR 1338)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 8, 2004 at 10:00 a.m., at the Health Professions Bureau, Indiana Government Center-South, 402 West Washington Street, Conference Center Room W064, Indianapolis, Indiana the Indiana Board of Pharmacy will hold a public hearing on proposed amendments to revise the standards for the preparation, labeling, and distribution of sterile pharmaceutical products by licensed pharmacists. Copies of these rules are

now on file at the Indiana Government Center-South, 402 West Washington Street, Room W066 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa R. Hayes
Executive Director
Health Professions Bureau

Proposed Readopted Rules

TITLE 140 BUREAU OF MOTOR VEHICLES

Proposed Rule
LSA Document #04-162

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

140 IAC 4-4

140 IAC 8-4

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

- 140 IAC 4-4 Driver Education Classes
- 140 IAC 8-4 Crossroads 2000 Fund; Fee Increases

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on November 1, 2004 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Legal Division
Indiana Bureau of Motor Vehicles
100 North Senate Avenue, Room N440
Indianapolis, Indiana 46204*

Copies of these rules are now on file at the Bureau of Motor Vehicles, 100 North Senate Avenue, Room N440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mary L. DePrez
Commissioner
Bureau of Motor Vehicles

Final Readopted Rules

TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION

Final Rule
LSA Document #04-71(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that

an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

315 IAC 1

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

315 IAC 1 ADJUDICATORY PROCEEDINGS BEFORE ENVIRONMENTAL LAW JUDGES

LSA Document #04-71(F)

Intent to Readopt Rules Published: April 1, 2004; 27 IR 2338

Proposed Readopted Rules Published: June 1, 2004; 27 IR 2879

Hearing Held: June 25, 2004

Filed with Secretary of State: August 11, 2004, 12:04 p.m.

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Final Rule
LSA Document #04-47(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

- 511 IAC 1-9**
- 511 IAC 6-7-1**
- 511 IAC 6-7-6**

- 511 IAC 6.1-2-2.5**
- 511 IAC 6.1-5-4**
- 511 IAC 8**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

- 511 IAC 1-9 Alternative Education Grant Program
- 511 IAC 6-7-1 Definitions
- 511 IAC 6-7-6 Required and elective credits
- 511 IAC 6.1-2-2.5 Safe schools and emergency preparedness planning
- 511 IAC 6.1-5-4 High school curriculum
- 511 IAC 8 VOCATIONAL EDUCATION

LSA Document #04-47(F)

Intent to Readopt Rules Published: April 1, 2004; 27 IR 2338

Proposed Readopted Rules Published: June 1, 2004; 27 IR 2879

Hearing Held: August 5, 2004

Filed with Secretary of State: September 7, 2004, 5:10 p.m.

Readopted Rules

TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY

Final Rule
LSA Document #04-54(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

540 IAC 1-1-11 **540 IAC 1-1-17**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

540 IAC 1-1-11 "Eligible educational institution" defined
540 IAC 1-1-17 "Scholarship" defined

LSA Document #04-54(F)

Intent to Readopt Rules Published: April 1, 2004; 27 IR 2338

Proposed Readopted Rules Published: June 1, 2004; 27 IR 2879

Hearing Held: August 2, 2004

Filed with Secretary of State: August 26, 2004, 2:00 p.m.

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Final Rule
LSA Document #04-19(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

675 IAC 22-2.2-3	675 IAC 22-2.2-15
675 IAC 22-2.2-4	675 IAC 22-2.2-16
675 IAC 22-2.2-5	675 IAC 22-2.2-17
675 IAC 22-2.2-6	675 IAC 22-2.2-18
675 IAC 22-2.2-7	675 IAC 22-2.2-21
675 IAC 22-2.2-8	675 IAC 22-2.2-22
675 IAC 22-2.2-9	675 IAC 22-2.2-23
675 IAC 22-2.2-10	675 IAC 22-2.2-24
675 IAC 22-2.2-11	675 IAC 22-2.2-25
675 IAC 22-2.2-12	675 IAC 22-2.2-183
675 IAC 22-2.2-13	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

675 IAC 22-2.2-3	NFPA 10; standard for portable fire extinguishers
675 IAC 22-2.2-4	NFPA 15; standard for water spray fixed systems for fire protection
675 IAC 22-2.2-5	NFPA 25; standard for the inspection, testing, and maintenance of water-based fire protection systems
675 IAC 22-2.2-6	NFPA 33; standard for spray application using flammable and combustible materials
675 IAC 22-2.2-7	NFPA 34; dipping and coating processes using flammable or combustible liquids
675 IAC 22-2.2-8	NFPA 50; standard for bulk oxygen systems at consumer sites
675 IAC 22-2.2-9	NFPA 50B; standard for liquefied hydrogen systems at consumer sites
675 IAC 22-2.2-10	NFPA 51; oxygen-fuel gas system for welding, cutting, and allied processes
675 IAC 22-2.2-11	NFPA 51A; standard for acetylene cylinder charging plants
675 IAC 22-2.2-12	NFPA 51B; standard for fire prevention in use of cutting and welding processes
675 IAC 22-2.2-13	NFPA 52; standard for compressed natural gas (CNG) vehicular fuel systems
675 IAC 22-2.2-15	NFPA 59; standard for storage and handling of liquefied petroleum gases at utility gas plants
675 IAC 22-2.2-16	NFPA 59A; standard for production, storage, and handling of liquefied natural gas (LNG)
675 IAC 22-2.2-17	NFPA 72; national fire alarm code
675 IAC 22-2.2-18	NFPA 86; standard for ovens and furnaces
675 IAC 22-2.2-21	NFPA 385; standard for tank vehicles for flammable and combustible liquids
675 IAC 22-2.2-22	NFPA 386; standard for portable shipping tanks for flammable and combustible liquids
675 IAC 22-2.2-23	NFPA 407; standard for aircraft fuel servicing
675 IAC 22-2.2-24	NFPA 704; standard system for the identification of the fire hazards of materials for emergency response
675 IAC 22-2.2-25	NFPA 1123; code for public display of fireworks
675 IAC 22-2.2-183	Section 2506; haunted houses and similar temporary installations

LSA Document #04-19(F)

Intent to Readopt Rules Published: February 1, 2004; 27 IR 1650

Proposed Readopted Rules Published: April 1, 2004; 27 IR 2339

Hearing Held: June 16, 2004; August 3, 2004

Filed with Secretary of State: August 23, 2004, 1:20 p.m.

TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD

Final Rule
LSA Document #04-6(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. *NOTE: IC 4-22-2.5-5 authorizes the governor to postpone, by executive order, the expiration of rules for one year. Executive Order #03-53, issued December 30, 2003, and printed at 27 IR 1663, postpones the expiration of the rules in this document until January 1, 2005. Effective 30 days after filing with the secretary of state.*

830 IAC 1-1

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

830 IAC 1-1 Definitions

LSA Document #04-6(F)

Intent to Readopt Rules Published: February 1, 2004; 27 IR 1650

Proposed Readopted Rules Published: April 1, 2004; 27 IR 2340

Hearing Held: April 27, 2004

Filed with Secretary of State: August 19, 2004, 2:45 p.m.

TITLE 326 AIR POLLUTION CONTROL BOARD**SECOND NOTICE OF COMMENT PERIOD**

#02-335(APCB)

DEVELOPMENT OF NEW AMENDMENTS TO RULES CONCERNING PARTICULATE MATTER EMISSION LIMITATIONS**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for new articles 326 IAC 6.5 and 326 IAC 6.8 and the repeal of 326 IAC 6-1 concerning particulate matter emission limitations. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: January 1, 2003, Indiana Register (26 IR 1266).

CITATIONS AFFECTED: 326 IAC 6-1-1; 326 IAC 6-1-1.5; 326 IAC 6-1-2; 326 IAC 6-1-3; 326 IAC 6-1-4; 326 IAC 6-1-5; 326 IAC 6-1-6; 326 IAC 6-1-7; 326 IAC 6-1-8.1; 326 IAC 6-1-9; 326 IAC 6-1-10.1; 326 IAC 6-1-10.2; 326 IAC 6-1-11.1; 326 IAC 6-1-11.2; 326 IAC 6-1-12; 326 IAC 6-1-13; 326 IAC 6-1-14; 326 IAC 6-1-15; 326 IAC 6-1-16; 326 IAC 6-1-17; 326 IAC 6-1-18; 326 IAC 6.5; 326 IAC 6.8.

AUTHORITY: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

Article 6 contains Indiana rules to control particulate matter from industrial sources in order to meet the national ambient air quality standards (NAAQS) established by the Clean Air Act. Article 6 has been submitted to U.S. EPA and approved as a state implementation plan (SIP). Any changes to these rules must be approved by U.S. EPA as a SIP amendment.

Rule changes may be initiated by a source's request to change limits in the rule or by the department during the review and issuance of a new or modified permit. Often, more than one (1) rule action amends the same section of 326 IAC 6-1 for different sources, such as for sources in Lake County. As required for Indiana Register publication, each rule amendment must include the entire rule section and contain any rule changes already in process. Rule sections containing a large number of sources require detailed coordination between rulewriters to assure all amendments are reflected in each succeeding rulemaking action.

IDEM is proposing to repeal 326 IAC 6-1 and replace it with two (2) new articles, 326 IAC 6.5 and 326 IAC 6.8, to streamline future rule amendment processes. In these new articles, each rule represents a county and each source has a separate section of the rule. This change will eliminate the confusion of amending the same rule section in two (2) separate, concurrent rulemaking actions. This recodification will also meet Indiana's Greening of the Government Initiative in an effort to be environmentally conscientious by eliminating hundreds of pages of paper printed throughout each step of future rulemaking actions.

IDEM has received several requests to delete and add emission

limitations in 326 IAC 6-1 to reflect changes in permit conditions and name changes to sources from sources and other IDEM offices. It is IDEM's intention and U.S. EPA's recommendation to limit this rulemaking to the recodification renumbering. A second rulemaking action is being initiated to update specific rule language. Additional information regarding the second rulemaking may be directed to Sky Schelle, Rules Development Section, Office of Air Quality, at (317) 234-3533 or (800) 451-6027, press 0 and ask for extension 4-3533 (in Indiana).

Identification of Restrictions and Requirements Not Imposed Under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. IDEM is not changing any emission limitations or requirements to sources in 326 IAC 6-1. The changes only impact the numbering format by placing all sources in either 326 IAC 6.8 for Lake County and 326 IAC 6.5 for sources in all other counties in the current rule. The new numbering format has been created to place each county in its own rule and each source in its own section. This rulemaking action simplifies future rule changes by eliminating the requirement to print volumes of pages to make one (1) rule amendment to one (1) source.

Potential Fiscal Impact

The proposed recodification of 326 IAC 6-1 to 326 IAC 6.5 and 326 IAC 6.8 will have minimal fiscal impact. There will be no impact to sources. There may be minimal fiscal impact to IDEM to update references in existing documents from the old to the new rule cite for clarity. These will be a cost savings to state government in future rulemaking actions on these articles.

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Suzanne Whitmer, Rules Section, Office of Air Quality at (317) 232-8229 or (800) 451-6027 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from January 1, 2003, through February 3, 2003, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the first notice of public comment period.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the rule. Mailed comments should be addressed to:

#02-335(APCB) Article 6 Recodification
Suzanne Whitmer
c/o Administrative Assistant
Rules Development Section
Air Programs Branch
Office of Air Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana, Monday through Friday between 8:15 a.m. and 4:45 p.m.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday

between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by November 1, 2004.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027, press 0 and ask for extension 2-8229 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 6.5 IS ADDED TO READ AS FOLLOWS:

ARTICLE 6.5. PARTICULATE MATTER LIMITATIONS EXCEPT LAKE COUNTY

Rule 1. General Provisions

326 IAC 6.5-1-1 Applicability

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 1. (a) Except as provided in subsections (b) through (c), sources or facilities located in the counties of Clark, Dearborn, Dubois, Howard, Marion, St. Joseph, Vanderburgh, Vigo, or Wayne shall comply with:

- (1) the limitations in 326 IAC 6.5-2 through 326 IAC 6.5-10, if the source or facility is specifically listed in 326 IAC 6.5-2 through 326 IAC 6.5-10; or
- (2) the limitations of section 2 of this rule, if the source or facility is not specifically listed in 326 IAC 6.5-2 through 326 IAC 6.5-10, but has:
 - (A) the potential to emit one hundred (100) tons or more; or
 - (B) actual emissions of ten (10) tons or more; of particulate matter per year.

(b) Particulate limitations shall not be established for combustion units that burn only natural gas at sources or facilities identified in 326 IAC 6.5-2 through 326 IAC 6.5-10, as long as the units continue to burn only natural gas.

(c) If the limitations in 326 IAC 6.5-2 through 326 IAC 6.5-10 and section 2 of this rule conflict with or are inconsistent with limitations established in 326 IAC 12, then the more stringent limitation shall apply. *(Air Pollution Control Board; 326 IAC 6.5-1-1)*

326 IAC 6.5-1-1.5 Definitions

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 1.5. (a) This section applies to the sources, facilities, and operations listed in this article.

- (b) The following definitions apply throughout this article:
 - (1) "Asphalt concrete plant" means a facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cement.
 - (2) "Existing source" means any source that has commenced construction or is in operation on December 8, 2001.
 - (3) "Fuel combustion steam generator" means any furnace or boiler used in the process of burning solid, liquid, or gaseous fuel

or any combination thereof for the purpose of producing steam by heat transfer.

(4) "Glass container manufacturing" means any industry manufacturing containers from soda-silica-lime-glass.

(5) "Grain elevator" means any plant or installation at which grain is:

- (A) unloaded;
- (B) handled;
- (C) cleaned;
- (D) dried;
- (E) stored; or
- (F) loaded.

(6) "Mineral aggregate operation" means an operation involving:

- (A) mining;
- (B) blasting and crushing;
- (C) sizing;
- (D) storing; and
- (E) transporting; of mineral materials.

(Air Pollution Control Board; 326 IAC 6.5-1-1.5)

326 IAC 6.5-1-2 Particulate emission limitations; fuel combustion steam generators, asphalt concrete plant, grain elevators, foundries, mineral aggregate operations; modification by commissioner

Authority: IC 13-14-8; IC 13-17-11; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 2. (a) Particulate matter emissions from facilities constructed after applicable dates in subsections (c) and (d) or not limited by subsection (b), (e), (f), or (g) shall not exceed seven-hundredths (0.07) gram per dry standard cubic meter (g/dscm) (three-hundredths (0.03) grain per dry standard cubic foot (dscf)).

(b) Fuel combustion steam generators are limited to the following particulate matter emissions limitations:

- (1) For solid fuel-fired generators:
 - (A) that have greater than sixty-three million (63,000,000) kilocalories (kcal) per hour heat input (two hundred fifty million (250,000,000) Btu), a particulate matter content of no greater than eighteen-hundredths (0.18) gram per million calories (one-tenth (0.10) pound per million Btu);
 - (B) that have equal to or greater than six million three hundred thousand (6,300,000) kcal per hour heat input, but less than or equal to sixty-three million (63,000,000) kcal per hour heat input (equal to or greater than twenty-five million (25,000,000) Btu, but less than or equal to two hundred fifty million (250,000,000) Btu), a particulate matter content of no greater than sixty-three hundredths (0.63) gram per million calories (thirty-five hundredths (0.35) pound per million Btu); or
 - (C) that have less than six million three hundred thousand (6,300,000) kcal per hour heat input (twenty-five million (25,000,000) Btu), a particulate matter content of no greater than one and eight-hundredths (1.08) grams per million calories (six-tenths (0.6) pound per million Btu).
- (2) For all liquid fuel-fired steam generators, a particulate matter content of no greater than twenty-seven hundredths (0.27) gram per million kcal (fifteen-hundredths (0.15) pound per million Btu).
- (3) For all gaseous fuel-fired steam generators, a particulate matter content of no greater than one-hundredth (0.01) grain per dry standard cubic foot (dscf).

(c) Asphalt concrete plants in existence on or prior to June 11, 1973, and consisting of, but not limited to:

- (1) driers;
- (2) systems for:
 - (A) screening, handling, storing, and weighing hot aggregate;
 - (B) loading, transferring, and storing mineral filler; and
 - (C) mixing asphalt concrete; and
- (3) the loading, transfer, and storage systems associated with emission control systems;

are limited to particulate matter emissions of no greater than two hundred thirty (230) mg per dscm (one-tenth (0.1) grain per dscf).

(d) The following are the requirements for grain elevators:

- (1) For grain elevators that began construction or modification prior to January 13, 1977, any grain storage elevator located at any grain processing source that has a permanent grain storage capacity of thirty-five thousand two hundred (35,200) cubic meters (one million (1,000,000) U.S. bushels) or more, and any grain terminal elevator that has a permanent grain storage capacity of eighty-eight thousand one hundred (88,100) cubic meters (two million five hundred thousand (2,500,000) U.S. bushels) or more shall be limited to particulate matter emissions of no greater than seven-hundredths (0.07) g/dscm (three-hundredths (0.03) grain per dscf).
- (2) All grain elevators subject to this article shall provide for housekeeping and maintenance procedures that minimize the opportunity for particulate matter to become airborne and leave the property, such as the following:

- (A) Housekeeping practices shall be conducted as follows:
 - (i) Areas to be swept and maintained shall include at a minimum:
 - (AA) general grounds, yard, and other open areas;
 - (BB) floors, decks, hopper areas, loading areas, dust collectors, and all areas of dust or waste concentrations; and
 - (CC) grain driers with respect to accumulated particulate matter.
 - (ii) Cleanings and other collected waste material shall be handled and disposed of so that the area does not generate fugitive dust.
 - (iii) Dust from driveways, access roads, and other areas of travel shall be controlled.
 - (iv) Accidental spills and other accumulations shall be cleaned up as soon as possible but no later than completion of the day's operation.
- (B) Equipment maintenance shall consist of procedures that eliminate or minimize emissions from equipment or a system caused by the following:
 - (i) Malfunctions.
 - (ii) Breakdowns.
 - (iii) Improper adjustment.
 - (iv) Operating above the rated or designed capacity.
 - (v) Not following designed operating specifications.
 - (vi) Lack of good preventive maintenance care.
 - (vii) Lack of critical and proper spare replacement parts on hand.
 - (viii) Lack of properly trained and experienced personnel.
- (C) Emissions from the affected areas, operations, equipment, and systems shall not exceed twenty percent (20%) opacity as determined under 326 IAC 5-1.

(e) Gray iron foundries shall be limited to the following:

- (1) Any cupola of a gray iron foundry shall be limited to particu-

late matter emissions of no greater than thirty-four hundredths (0.34) g/dscm (fifteen-hundredths (0.15) grain/dscf).

- (2) Any melting process, excluding any cupola, of a gray iron foundry shall be limited to particulate matter emissions of no greater than sixteen-hundredths (0.16) g/dscm (seven-hundredths (0.07) grain/dscf).

(f) Glass container manufacturing furnace operations shall be limited to particulate matter emissions of no greater than one (1.0) gram per two (2.0) kilograms of process material (one (1.0) pound per ton).

(g) Mineral aggregate operations, where the process is totally enclosed, shall comply with the requirements in subsection (a). In addition, 326 IAC 2, 326 IAC 5-1, and 326 IAC 6-4 shall apply in all cases to mineral aggregate operations.

(h) Based on modeling analyses available to the commissioner, where it is determined that the limitations in subsections (a) through (g) are not adequate to achieve and maintain the ambient particulate air quality standards established by 326 IAC 1-3, the limitations set forth in this section may be changed for facilities:

- (1) having a significant impact on air quality and located in areas where the ambient particulate standard either is not attained or will not be maintained without emission limitations in addition to those set forth in this rule; and
- (2) required to comply with the prevention of significant deterioration requirements of 326 IAC 2.

These limitations shall be established in construction and operation permits issued in accordance with the procedures set forth in 326 IAC 2.

(i) If the emission limitations established in subsections (a) through (g) for facilities that were operating or under construction on August 7, 1980, impose a severe economic hardship on any individual source, then the source may petition the commissioner for reconsideration of the limitations. If the source can demonstrate to the commissioner's satisfaction that a severe hardship will be caused if the applicable requirements in this section are enforced, then less restrictive emission limitations may be established by the commissioner, provided the less restrictive limitations will guarantee the attainment and maintenance of the particulate ambient air quality standards established by 326 IAC 1-3. (*Air Pollution Control Board; 326 IAC 6.5-1-2*)

326 IAC 6.5-1-3 Nonattainment area particulate limitations; compliance determination

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. Testing to determine the amount of particulate matter emitted from any facility subject to the requirements of this article shall be conducted in accordance with the procedures set forth in 40 CFR 60, Appendix A, Methods 1-5*, or other procedures approved by the commissioner and U.S. EPA.

*The following is incorporated by reference: 40 CFR 60, Appendix A, Methods 1-5. Copies may be obtained from the Government Printing Office, 732 North Capitol Street, Washington, D.C. 20401 and are available for review and copying at the Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6.5-1-3*)

326 IAC 6.5-1-4 Compliance schedules

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 4. (a) Unless the commissioner has determined that a performance test is not required for a facility, the owner or operator of a source shall submit to the commissioner the results of a performance test, conducted in accordance with section 3 of this rule, demonstrating compliance with the emissions limitations established under this article:

- (1) within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated; or
- (2) not later than one hundred eighty (180) days after the initial startup of the facility;

except when different compliance dates are established in a permit.

(b) If the emission limit applicable to a source or facility is made more stringent by reason of amendments to this article or by reason of amended permit requirements, then the source or facility shall achieve compliance as soon as practicable but not later than specified by the following schedule:

- (1) Submittal of plans and specifications within six (6) months after:
 - (A) the date the source becomes subject to the terms in this section; or
 - (B) the effective date of the amended rule or permit imposing a stricter limit.

Whichever date is applicable to a particular source is hereafter referred to as the effective date.

- (2) Initiation of on-site construction or installation within twelve (12) months after the effective date.
- (3) Completion of on-site construction or installation within twenty-four (24) months after the effective date.
- (4) Achievement of compliance within twenty-eight (28) months after the effective date.
- (5) Submittal of performance results within thirty (30) months of the effective date.

(Air Pollution Control Board; 326 IAC 6.5-1-4)

326 IAC 6.5-1-5 Control strategies

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 5. (a) For existing sources, the following shall apply:

- (1) Whenever emission limitations set forth in 326 IAC 6.5-2 through 326 IAC 6.5-10 are revised and established under section 2(h) and 2(i) of this rule, the revisions shall be submitted to U.S. EPA for approval as part of Indiana's SIP.
- (2) If a permit issued by the commissioner, under this article, contains emission limitations more stringent than the limitations set forth in 326 IAC 6.5-2 through 326 IAC 6.5-10, then the emission limitations set forth in the permit shall supersede and replace the corresponding limitations in 326 IAC 6.5-2 through 326 IAC 6.5-10.

(b) For new sources, emission limitations and any revisions to emission limitations shall be established as conditions in permits.

(c) Upon issuance, the above permits shall be submitted to U.S. EPA for review, and the emission limitations contained in the permits shall be submitted as SIP revisions.

(d) In 326 IAC 6.5-2 through 326 IAC 6.5-10, where there are two (2) emission limits listed for a particular source or facility, the source or facility shall be required to comply with both limits. (Air Pollution Control Board; 326 IAC 6.5-1-5)

326 IAC 6.5-1-6 State implementation plan revisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 6. Any exemptions given or provisions granted under this article by the commissioner in sections 2(a), 2(g) through 2(i), 4, and 5 of this rule shall be submitted to U.S. EPA as revisions to the SIP. (Air Pollution Control Board; 326 IAC 6.5-1-6)

326 IAC 6.5-1-7 Scope; affected counties

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 7. This article shall contain control strategies and emission limitations for particulate emissions from sources in counties listed as follows:

- 326 IAC 6.5-2 Clark County
- 326 IAC 6.5-3 Dearborn County
- 326 IAC 6.5-4 Dubois County
- 326 IAC 6.5-5 Howard County
- 326 IAC 6.5-6 Marion County
- 326 IAC 6.5-7 St. Joseph County
- 326 IAC 6.5-8 Vanderburgh County
- 326 IAC 6.5-9 Vigo County
- 326 IAC 6.5-10 Wayne County

(Air Pollution Control Board; 326 IAC 6.5-1-7)

Rule 2. Clark County

326 IAC 6.5-2-1 General provisions

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in Clark County and listed in sections 2 through 12 of this rule shall meet the specified emission limitations. (Air Pollution Control Board; 326 IAC 6.5-2-1)

326 IAC 6.5-2-2 B & E Asphalt

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 2. B & E Asphalt in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
B & E Asphalt	002301	16P	Dryer, Screen, Conveyor	29.2		0.11

(Air Pollution Control Board; 326 IAC 6.5-2-2)

IC 13-14-9 Notices

326 IAC 6.5-2-3 Colgate Palmolive

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 3. Colgate Palmolive in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Colgate Palmolive	0003	2P	Oil and Gas Fired Boilers	6.3	0.015	
	01-02		No. 8 and 9 88 MMBTU/Hr. each			
	05	3P	Oil and Gas Fired Boiler No. 10 100 MMBTU/Hr.	4.2	0.015	

(Air Pollution Control Board; 326 IAC 6.5-2-3)

326 IAC 6.5-2-4 Essroc Materials

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 4. Essroc Materials in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Essroc Materials	0008	9P	Kiln No. 2	265.20		0.4 lb/ton
	12					
	04	10P	Limestone Kiln	120.40		0.58 lb/ton
	11	12P	Kiln No. 1	251.20		0.58 lb/ton

(Air Pollution Control Board; 326 IAC 6.5-2-4)

326 IAC 6.5-2-5 Gohman Asphalt

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 5. Gohman Asphalt in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Gohman Asphalt	0022	15P	Dryer, Screen, Conveyor	11.5		.087
	01					

(Air Pollution Control Board; 326 IAC 6.5-2-5)

326 IAC 6.5-2-6 Hillerich & Bradsby

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 6. Hillerich & Bradsby in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Hillerich & Bradsby	0032	21P	Incinerator-Waste Heat Boiler	26.1	0.240	
	01					
	02	22P	Wood Products	0.3		.001

(Air Pollution Control Board; 326 IAC 6.5-2-6)

326 IAC 6.5-2-7 Hooker Chemical

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 7. Hooker Chemical in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Hooker Chemical	0005	7P	Thermal Process	8.7		.023
	01					
	02	8P	Sodium Phosphate Process	85.2		.028

(Air Pollution Control Board; 326 IAC 6.5-2-7)

326 IAC 6.5-2-8 Kimball Case Goods

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 8. Kimball Case Goods in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Kimball Case Goods	0002	1P	Oil Fired Boiler	0.3		0.0130
	03		6 MMBTU/Hr.			

(Air Pollution Control Board; 326 IAC 6.5-2-8)

326 IAC 6.5-2-9 PQ Corporation

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 9. PQ Corporation in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
PQ Corporation	0018	13P	Gas-Oil Boiler	0.3	0.060	
	01		5 MMBTU/Hr.			
	02	14P	Sodium Silicate Glass	51.8		1.4 lb/ton

(Air Pollution Control Board; 326 IAC 6.5-2-9)

326 IAC 6.5-2-10 Quality Paving

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 10. Quality Paving in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Quality Paving	0037	23P	Asphalt Batching	4.2		.03
	01					

(Air Pollution Control Board; 326 IAC 6.5-2-10)

326 IAC 6.5-2-11 Robinson Foundry

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 11. Robinson Foundry in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Robinson Foundry	0004	6P	Cupola	4.2		.476

(Air Pollution Control Board; 326 IAC 6.5-2-11)

326 IAC 6.5-2-12 USS Agri Chemicals

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 12. USS Agri Chemicals in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
USS Agri Chemicals	0024	17P	Unloading, Bulk Shipment	1.7		.004
	01					
	03	18P	Sieving, Crushing Scaling	11.1		0.02
	04	19P	Ammoniator	9.0		0.039
	05	20P	Dryer and Cooler	24.0		0.09

(Air Pollution Control Board; 326 IAC 6.5-2-12)

Rule 3. Dearborn County

326 IAC 6.5-3-1 General provisions

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in Dearborn County and listed in sections 2 through 9 of this rule shall meet the specified emission limitations. (Air Pollution Control Board; 326 IAC 6.5-3-1)

326 IAC 6.5-3-2 Anchor Glass

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 2. Anchor Glass in Dearborn County shall meet the following emission limits:

- (1) Particulate matter emissions from Glass Furnace 1 shall be limited to one (1) pound per ton and forty-eight (48) tons per year.
- (2) Particulate matter emissions from Glass Furnace 2 shall be limited to one (1) pound per ton and forty-two and eight-tenths (42.8) tons per year.

(Air Pollution Control Board; 326 IAC 6.5-3-2)

326 IAC 6.5-3-3 Dearborn Gravel

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 3. Dearborn Gravel in Dearborn County shall limit particulate matter emissions from screening/conveying/handling and storage to two and eight-tenths (2.8) tons per year. (Air Pollution Control Board; 326 IAC 6.5-3-3)

326 IAC 6.5-3-4 Indiana Michigan Power, Tanners Creek Station

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 4. Indiana Michigan Power, Tanners Creek Station in Dearborn County shall meet the following emission limits:

- (1) Combined particulate matter emissions from Boilers 1, 2, and 3 shall be limited to ninety-thousandths (0.090) pound per million British thermal units and one thousand five hundred eighty-one and eighty-hundredths (1,581.80) tons per year.

- (2) Particulate matter emissions from Boiler 4 shall be limited to one-tenth (.1) pound per million British thermal units and two thousand one hundred four (2,104) tons per year.

(Air Pollution Control Board; 326 IAC 6.5-3-4)

326 IAC 6.5-3-5 Laughery Gravel

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 5. Laughery Gravel in Dearborn County shall limit particulate matter emissions from storage to fourteen and four-tenths (14.4) tons per year. (Air Pollution Control Board; 326 IAC 6.5-3-5)

326 IAC 6.5-3-6 Lotus Ware House

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 6. Lotus Ware House in Dearborn County shall limit particulate matter emissions as follows:

- (1) Particulate matter emissions from shipping/receiving/handling shall be limited to one hundred fifty-seven and one-tenth (157.1) tons per year.
- (2) Particulate matter emissions from corn cleaning shall be limited to eleven and one-tenth (11.1) tons per year.
- (3) Particulate matter emissions from corn drying shall be limited to twenty and nine-tenths (20.9) tons per year.

(Air Pollution Control Board; 326 IAC 6.5-3-6)

326 IAC 6.5-3-7 Paul H. Rohe Co.

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 7. Paul H. Rohe Co. in Dearborn County shall limit particulate matter emissions from the rotary dryer to twenty-two hundredths (0.22) grain per dry standard cubic foot and nineteen and

ten-hundredths (19.10) tons per year. (Air Pollution Control Board; 326 IAC 6.5-3-7)

326 IAC 6.5-3-8 Joseph E. Seagram and Sons, Inc.
 Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 8. Joseph E. Seagram and Sons, Inc., in Dearborn County shall meet the following requirements and emission limits:

- (1) Boiler 5 shall burn only natural gas.
- (2) Particulate matter emissions from Boiler 6 shall be limited to one hundred eighty-thousandths (0.180) pound per million British thermal units.
- (3) Particulate matter emissions from Boiler 6 shall be limited to two hundred fourteen and two-tenths (214.2) tons per twelve (12) consecutive months period.
- (4) Seagram shall maintain a log for Boiler 6 that contains:
 - (A) fuel type used each hour;
 - (B) fuel amount used each month; and
 - (C) the monthly average heat and sulfur contents of each fuel burned.
- (5) Within thirty (30) days of the end of each calendar quarter, Seagram shall report monthly emissions from Boiler 6 for each of the twelve (12) months prior to the end of the calendar quarter to the department. The report shall contain the information on fuel type, usage, sulfur content, and heat content necessary to determine monthly emissions. For purposes of calculating monthly emissions, the emission rate for Boiler 6, during periods when coal is being burned, shall be assumed to be eighteen-hundredths (0.18) pound per million British thermal units.

(Air Pollution Control Board; 326 IAC 6.5-3-8)

326 IAC 6.5-3-9 Schenley Distillers, Incorporated
 Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 9. Schenley Distillers, Incorporated, in Dearborn County shall meet the following emission limits:

- (1) Particulate matter emissions from Boiler 1 shall be limited to one hundred fifty ten-thousandths (.0150) pound per million British thermal units and seven (7) tons per year.
- (2) Particulate matter emissions from Boiler 2 shall be limited to one hundred fifty ten-thousandths (.0150) pound per million British thermal units and five and two-tenths (5.2) tons per year.
- (3) Particulate matter emissions from Boiler 9 shall be limited to one hundred fifty ten-thousandths (.0150) pound per million British thermal units and four and five-tenths (4.5) tons per year.

(Air Pollution Control Board; 326 IAC 6.5-3-9)

Rule 4. Dubois County

326 IAC 6.5-4-1 General provisions
 Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in Dubois County and listed in sections 2 through 24 of this rule shall meet the specified emission limitations. (Air Pollution Control Board; 326 IAC 6.5-4-1)

326 IAC 6.5-4-2 Artec
 Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 2. Artec in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Artec	0011	15P	Wood Chip Boiler 14 MMBTU/Hr.	12.0	0.60	
		111	Wood Working	2		

(Air Pollution Control Board; 326 IAC 6.5-4-2)

326 IAC 6.5-4-3 Dolly Madison Plant No. 4
 Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 3. Dolly Madison Plant No. 4 in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Dolly Madison Plant No. 4	0017	9P	Wood Boiler 5 MMBTU/Hr.	9.4	0.60	

(Air Pollution Control Board 326 IAC 6.5-4-3)

326 IAC 6.5-4-4 Dolly Madison Plant No. 5
 Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 4. Dolly Madison Plant No. 5 in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Dolly Madison Plant No. 5	0016	8P	Coal Boiler 6 MMBTU/Hr.	9.4	0.60	

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(Air Pollution Control Board; 326 IAC 6.5-4-4)

326 IAC 6.5-4-5 Dubois County Farm Bureau Co-op

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 5. Dubois County Farm Bureau Co-op in Dubois County shall meet the following emission limit:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Dubois County Farm Bureau Co-op	0014	22	Grain Elevator	348		

(Air Pollution Control Board; 326 IAC 6.5-4-5)

326 IAC 6.5-4-6 Forest Products No. 1

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 6. Forest Products in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Forest Products No. 1	0033	8	Wood Working	4.2		
	0033	5P	Wood Boiler 5 MMBTU/Hr.	9.0	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-6)

326 IAC 6.5-4-7 Hoosier Desk

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 7. Hoosier Desk in Dubois County shall meet the following emission limit:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Hoosier Desk	0003	111	Wood Working	4.6		

(Air Pollution Control Board; 326 IAC 6.5-4-7)

326 IAC 6.5-4-8 Indiana Chair

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 8. Indiana Chair in Dubois County shall meet the following emission limit:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Indiana Chair	0036	107	Wood Working	.4		

(Air Pollution Control Board; 326 IAC 6.5-4-8)

326 IAC 6.5-4-9 Indiana Desk

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 9. Indiana Desk in Dubois County shall meet the following emission limit:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Indiana Desk	0027	107	Wood Working	5.4		

(Air Pollution Control Board; 326 IAC 6.5-4-9)

326 IAC 6.5-4-10 Indiana Dimension

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 10. Indiana Dimension in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Indiana Dimension	0036	2P	Coal-Wood/Bark Boiler 5 MMBTU/Hr.	9.0	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-10)

326 IAC 6.5-4-11 Indiana Furniture Industries

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 11. Indiana Furniture Industries in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Indiana Furniture Industries	0027	3P	Wood/Bark Boiler 7 MMBTU/Hr.	5.2	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-11)

326 IAC 6.5-4-12 Jasper Cabinet No. 1

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 12. Jasper Cabinet No. 1 in Dubois County shall meet the following emission limit:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Cabinet No. 1	0006	111	Wood Working	5		

(Air Pollution Control Board; 326 IAC 6.5-4-12)

326 IAC 6.5-4-13 Jasper Cabinet No. 2

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 13. Jasper Cabinet No. 2 in Dubois County shall meet the following emission limit:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Cabinet No. 2	0004	102	Wood Working	1.0		

(Air Pollution Control Board; 326 IAC 6.5-4-13)

326 IAC 6.5-4-14 Jasper Cabinets Corporation

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 14. Jasper Cabinets Corporation in Dubois County shall meet the following emission limits:

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Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Cabinets Corporation	0004	11P	Wood Boiler 5.3 MMBTU/Hr.	7.6	0.60	
			Wood Boiler 6.7 MMBTU/Hr.	7.6	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-14)

326 IAC 6.5-4-15 Jasper Chair

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 15. Jasper Chair in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Chair	0005	29P	Wood Boiler 18 MMBTU/Hr.	15.6	0.60	
		107	Wood Working	.7		

(Air Pollution Control Board; 326 IAC 6.5-4-15)

326 IAC 6.5-4-16 Jasper Desk

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 16. Jasper Desk in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Desk	0007	12P	Coal-Wood Boiler 8 MMBTU/Hr.	14.6	0.60	
		107	Wood Working	3.9		

(Air Pollution Control Board; 326 IAC 6.5-4-16)

326 IAC 6.5-4-17 Jasper Laminates, Plant #1-Division of Kimball

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 17. Jasper Laminates, Plant #1-Division of Kimball in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Laminates, Plant #1-Division of Kimball	0042	10P	Wood-Wood Waste Boiler No. 1 20.5 MMBTU/Hr.	6.9	0.60	
		31P	Natural Gas Boiler No. 2 16.8 MMBTU/Hr.	0.2	0.003	0.01
		104	Wood Working	2		

(Air Pollution Control Board; 326 IAC 6.5-4-17)

326 IAC 6.5-4-18 Jasper Mun. Electric

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 18. Jasper Mun. Electric in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Mun. Electric	0002	28P	Coal Boiler 192 MMBTU/Hr.	265.6	0.350	

(Air Pollution Control Board; 326 IAC 6.5-4-18)

326 IAC 6.5-4-19 Jasper Office Furniture Co., Inc., Plant #1

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 19. Jasper Office Furniture Co., Inc., Plant #1 in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Office Furniture, Co., Inc., Plant #1	009	16P	Coal and Wood Boiler 11 MMBTU/Hr.	23.6	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-19)

326 IAC 6.5-4-20 Jasper Office Furniture

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 20. Jasper Office Furniture in Dubois County shall meet the following emission limit:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Office Furniture	0009	107	Wood Working	1.2		

(Air Pollution Control Board; 326 IAC 6.5-4-20)

326 IAC 6.5-4-21 Jasper Seating

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 21. Jasper Seating in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Seating	0010	107	Wood Working	4.4		
	0010	17P	Coal-Wood/Bark Boiler 7 MMBTU/Hr.	17.7	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-21)

326 IAC 6.5-4-22 Jasper Veneer

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 22. Jasper Veneer in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Veneer	0037	19P	Boiler No. 1 Coal, Wood/Bark 5 MMBTU/Hr.	9.4	0.6	
		20P	Boiler No. 2, Coal-Wood/Bark 5 MMBTU/Hr.	8.7	0.6	
	0037	107	Wood Working	2.6		

(Air Pollution Control Board; 326 IAC 6.5-4-22)

326 IAC 6.5-4-23 Jasper Wood Products

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 23. Jasper Wood Products in Dubois County shall meet the following emission limits:

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Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Jasper Wood Products	0038	13P	Coal-Wood Boiler No. 1 6 MMBTU/Hr.	9.0	0.60	
		14P	Coal-Wood Boiler No. 2 6 MMBTU/Hr.	9.0	0.60	
	0038	107	Wood Working	5.3		

(Air Pollution Control Board; 326 IAC 6.5-4-23)

326 IAC 6.5-4-24 Styline Industries, Plant #8

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 24. Styline Industries, Plant #8 in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Styline Industries, Plant #8	0035	4P	Coal-Wood Boiler 7 MMBTU/Hr.	9.0	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-24)

Rule 5. Howard County

326 IAC 6.5-5-1 General provisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in Howard County and listed in sections 2 through 16 of this rule shall meet the specified emission limitations and requirements. (Air Pollution Control Board; 326 IAC 6.5-5-1)

326 IAC 6.5-5-2 Chrysler-Haynes

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 2. Chrysler-Haynes in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Chrysler-Haynes	01A	2P	Reverberatory Furnace A	22.5		0.39
		3P	Reverberatory Furnace B	22.5		0.39
		4P	Reverberatory Furnace C	92.5		0.85
		5P	Reverberatory Furnace D	92.5		0.85
		6P	Reverberatory Furnace E	92.5		0.85
		7P	Reverberatory Furnace F	92.5		0.85
		8P	Reverberatory Furnace G	36.2		0.63
	02	9P	Gas Boilers 1-3 190 MMBTU/Hr. 1975 only			

(Air Pollution Control Board; 326 IAC 6.5-5-2)

326 IAC 6.5-5-3 Cuneo Press

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 3. Cuneo Press in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Cuneo Press	01-04	1P	4 Coal and Oil Boilers	48.0	0.65	

(Air Pollution Control Board; 326 IAC 6.5-5-3)

326 IAC 6.5-5-4 DaimlerChrysler-U.S. 31

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 4. DaimlerChrysler-U.S. 31 in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
DaimlerChrysler-U.S. 31	01-03 04-05	10P	Boilers 1-3 1985 only 4-5 1975 only	875.7	0.75	

(Air Pollution Control Board; 326 IAC 6.5-5-4)

326 IAC 6.5-5-5 Delphi Delco

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 5. (a) Delphi Delco in Howard County shall meet the following requirements:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Delphi Delco						
100% natural gas	03	19P	4 Gas Fired Boilers Stack No. 1			
100% natural gas		20P	2 Gas Fired Boilers Stack No. 2			
100% natural gas		21P	2 Gas Fired Boilers Stack No. 3			
100% natural gas		22P	5 Gas Fired Boilers Stack No. 4			

(b) The gas-fired boilers located at Stacks 1, 2, 3, and 4 at Delphi Delco, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas. (Air Pollution Control Board; 326 IAC 6.5-5-5)

326 IAC 6.5-5-6 Greentown Grain

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 6. Greentown Grain in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Greentown Grain	0011	68A	Shipping/Receiving 24,400 T/Yr.	7.3		
			Transferring/Conveying 24,400 T/Yr.	18.4		
			Drying 7,000 T/Yr.	2.4		

(Air Pollution Control Board; 326 IAC 6.5-5-6)

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326 IAC 6.5-5-7 Howard Co. Farm Bureau Co-op (Greentown)

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 7. Howard Co. Farm Bureau Co-op (Greentown) in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Howard Co. Farm Bureau Co-op (Greentown)	0014	72A	Shipping/Receiving 14,296 T/Yr.	4.2		
			Transferring/Conveying 14,296 T/Yr.	10.8		
			Drying 5,579 T/Yr.	2.1		
			Grinding 2,000 T/Yr.	0.03		

(Air Pollution Control Board; 326 IAC 6.5-5-7)

326 IAC 6.5-5-8 Howard Co. Farm Bureau Co-op (Russiaville)

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 8. Howard Co. Farm Bureau Co-op (Russiaville) in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Howard Co. Farm Bureau Co-op (Russiaville)	0007	72A	Shipping/Receiving 11,239 T/Yr.	3.48		
			Transferring/Conveying 11,234 T/Yr.	28.16		
			Drying 3,078 T/Yr.	1.04		

(Air Pollution Control Board; 326 IAC 6.5-5-8)

326 IAC 6.5-5-9 Judson Feed & Grain

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 9. Judson Feed & Grain in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Judson Feed & Grain	0013	14A	Shipping/Receiving 5,866 T/Yr.	1.7		
			Transferring/Conveying 5,866 T/Yr.	4.5		

(Air Pollution Control Board; 326 IAC 6.5-5-9)

326 IAC 6.5-5-10 Kokomo Grain Co.

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 10. (a) Kokomo Grain Co. in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Kokomo Grain Co.	0006	18A	Shipping/Receiving 60,000 T/Yr.	4.5		
			Transferring/Conveying 60,000 T/Yr.	11.1		
			Drying 25,000 T/Yr.			
100% natural gas						

(b) The unit for drying twenty-five thousand (25,000) t/yr located at Kokomo Grain, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas. (Air Pollution Control Board; 326 IAC 6.5-5-10)

326 IAC 6.5-5-11 Mohr Construction

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 11. Mohr Construction in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Mohr Construction	01	23P	Dryer/Screening Conveying	49.7		0.14

(Air Pollution Control Board; 326 IAC 6.5-5-11)

326 IAC 6.5-5-12 Name Inc.

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 12. Name Inc., in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Name Inc.	01	24P	Drum Mixer	28.5		0.05

(Air Pollution Control Board; 326 IAC 6.5-5-12)

326 IAC 6.5-5-13 Penn-Dixie; boilers

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 13. Penn-Dixie in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Penn-Dixie	02	11P	Oil and Gas Fired Boilers 66 MMBTU/Hr. Stack No. 1	21.2	0.08	
		12P	Oil and Gas Fired Boilers 66 MMBTU/Hr. Stack No. 2	21.2	0.08	
		13P	Gas Fired Boiler 66 MMBTU/Hr. Stack No. 3	3.1	0.01	
	04	15P	2 Coal Boilers Stack No. 1	671.2	5.10	
		16P	2 Coal Boilers Stack No. 2	671.2	5.10	

(Air Pollution Control Board; 326 IAC 6.5-5-13)

326 IAC 6.5-5-14 Penn-Dixie; furnaces

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 14. Penn-Dixie in Howard County shall meet the following emission limits:

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Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Penn-Dixie	0004	59A	Electric Arc. Furnace	378,100	15.3	
			T/Yr. in 1975			
			Soak and Rodmill Furnace	554,300 T/Yr. in 1985	103.6	
				4,509 × 10 ³ gal/Yr.		

(Air Pollution Control Board; 326 IAC 6.5-5-14)

326 IAC 6.5-5-15 Russiaville Feed & Grain

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 15. Russiaville Feed & Grain in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Russiaville Feed & Grain	0008	34A	Shipping/Receiving	5,332 T/Yr.	1.7	
			Transferring/Conveying	5,332 T/Yr.	4.2	

(Air Pollution Control Board; 326 IAC 6.5-5-15)

326 IAC 6.5-5-16 Yeoman Stone & Sand

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 16. Yeoman Stone & Sand in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Yeomen Stone & Sand	0010	59A	Primary Crushing	403,000 T/Yr.	53.9	
			Secondary Crushing	280,000 T/Yr.	178.0	

(Air Pollution Control Board; 326 IAC 6.5-5-16)

Rule 6. Marion County

326 IAC 6.5-6-1 General provisions

Authority: IC 13-14-8; IC 13-17-3-4
 Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 1. (a) In addition to the emission limitations contained in 326 IAC 6.5-1-2, the following limitations listed in sections 2 through 36 of this rule shall apply to sources in Marion County.

(b) Sources shall be considered in compliance with the tons per year emission limits established in sections 2 through 36 of this rule if within five percent (5%) of the emission limit. (Air Pollution Control Board; 326 IAC 6.5-6-1)

326 IAC 6.5-6-2 Allison Transmission

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 2. (a) Allison Transmission in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Allison Transmission	0017	01-05	Boilers 1, 2, 3, 4, 5	39.3 combined	.15 each	

(b) In addition to complying with section 1 of this rule and subsection (a), Allison Transmission shall comply with the following:

(1) Maintain monthly fuel usage records for each boiler identified in subsection (a) that contain sufficient information to estimate emissions, including:

- (A) boiler identification and heat capacity;
- (B) fuel usage for each type of fuel; and
- (C) heat content of fuel.

(2) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department and the Indianapolis office of environmental services division of the monthly emissions of the boilers identified in subsection (a) and including the information in subdivision (1).

(3) Compliance with the annual tons per year limitation shall be based on the sum of the monthly emissions for each twelve (12) month period.

(4) The fuel usage records shall be maintained at the source for three (3) years and available for an additional two (2) years. The records shall be made available to the department or its designated representative upon request.

(Air Pollution Control Board; 326 IAC 6.5-6-2)

326 IAC 6.5-6-3 Asph. Mat. & Const., Inc.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 3. Asph. Mat. & Const., Inc., in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Asph. Mat. & Const. Inc.	0098	01	Oxid. Tank	.3		.004

(Air Pollution Control Board; 326 IAC 6.5-6-3)

326 IAC 6.5-6-4 Bridgeport Brass

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 4. Bridgeport Brass in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Bridgeport Brass	0005	01	Boiler 1	21.5	.350	
	0005	02	Boiler 2	21.5	.350	
	0005	03	Boiler 3	21.5	.350	

(Air Pollution Control Board; 326 IAC 6.5-6-4)

326 IAC 6.5-6-5 Central Soya

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 5. Central Soya in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Central Soya	0008	09A	Elevator Gallery Belt Trippers (East and West)	0.92		.006
	0008	09B	Elevator Gallery Belt Loaders (East and West)	0.70		.006
	0008	09C	Elevator Grain Dryer Conveying Legs	1.01		.006
	0008	10A	Elevator #1 Truck and Rail Receiving System and Basement	7.23		.006
	0008	10B	Elevator #2 Truck and Rail Receiving System	4.95		.006

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(Air Pollution Control Board; 326 IAC 6.5-6-5)

326 IAC 6.5-6-6 Cent. St. Hospital

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 6. Cent. St. Hospital in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Central State Hospital	0009	01	Boilers 7 and 8	22.0	.350	
	0009	02	Boiler 3	17.0	.350	

(Air Pollution Control Board; 326 IAC 6.5-6-6)

326 IAC 6.5-6-7 Chevrolet

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 7. Chevrolet in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Chevrolet	0010	0103	Boilers 1-3	65.8	.300	

(Air Pollution Control Board; 326 IAC 6.5-6-7)

326 IAC 6.5-6-8 Chrys. (El.) Shade

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 8. Chrys. (El.) Shade in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Chrys. (El.) Shade	0011	01	All Boilers	67.8	.324	

(Air Pollution Control Board; 326 IAC 6.5-6-8)

326 IAC 6.5-6-9 Chrys. (Fdy) S. Tibbs

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 9. Chrys. (Fdy) S. Tibbs in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Chrys. (Fdy) S. Tibbs	0012	01	Cup.-Scrub	34.2		.085
	0012	02	D. Cl. Ck. 4 St.	4.9		.038
	0012	07	Hz. C. Ov. B. Ck.	4.2		.008
	0012	08	Hz. C. Ov. A. Ck.	3.1		.006
	0012	09	Hz. C. Ov. A. By	6.2		.029
	0012	10	Hz. C. Pst. Cr.	less than 1 T/yr		.001
	0012	11	Hz. C. Ov. B. Ry.	.4		.005
	0012	12	Hz. Rv. Ov. Jkt.	less than 1 T/yr		.001
	0012	13	Hz. Ry. Ov. A. CCC	less than 1 T/yr		.002
	0012	14	Bg. Ex. Rb. 1 St.	2.6		.020

0012	16	Hyd. Fdy. Gre.	1.2	.004
0012	18	Ck. Unload.	5.9	.021
0012	19	Flsk. Sk.-Out	50.8	.030
0012	22	Snd. Trnsfr.	2.6	.019
0012	25	Cr. Grinding	.01	.001
0012	26	Cr. Grinding	1.6	.007
0012	28	Cl. Op. Cr. K. O.	8.2	.034
0012	29	Cl. Room	6.8	.020
0012	30	Cl. Room	4.2	.020
0012	31	Chp. Op.	16.7	.020
0012	34	Cst. Cl.	57.5	.020

(Air Pollution Control Board; 326 IAC 6.5-6-9)

326 IAC 6.5-6-10 Community Hospital

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 10. Community Hospital in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Community Hospital	0014	01	Keller Boiler	.5	.014	

(Air Pollution Control Board; 326 IAC 6.5-6-10)

326 IAC 6.5-6-11 Design Mix

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 11. Design Mix in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Design Mix	0091	01	Roty. Dry.	9.8		.092

(Air Pollution Control Board; 326 IAC 6.5-6-11)

326 IAC 6.5-6-12 Farm Bureau (Fert.)

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 12. Farm Bureau (Fert.) in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Farm Bureau (Fert.)	0653	02	Gr. Dry Cooler	15.2		.013
	0653	04	Ammoniator	3.9		.047
	0653	05	Cooler Gr.	6.3		.026
	0653	06	Screen Gr.	less than 1 T/yr		.005
	0653	07	Bag. Ship.	.1		.004

(Air Pollution Control Board; 326 IAC 6.5-6-12)

326 IAC 6.5-6-13 FMC Bearing

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 13. FMC Bearing in Marion County shall meet the following emission limits:

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Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
FMC Bearing	0025	01	Boilers 1-3	17.0	.300	

(Air Pollution Control Board; 326 IAC 6.5-6-13)

326 IAC 6.5-6-14 FMC Chain

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 14. FMC Chain in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
FMC Chain	0062	0105	Boilers	7.6	.300	
	0062	07	Anneal. Ov.	.1		.004

(Air Pollution Control Board; 326 IAC 6.5-6-14)

326 IAC 6.5-6-15 Ford Motor Co.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 15. Ford Motor Co. in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Ford Motor Co.	0021	01	Boiler 3	38.6	.270	
	0021	02	Boiler 2	55.1	.270	
	0021	03	Boiler 1	16.5	.270	

(Air Pollution Control Board; 326 IAC 6.5-6-15)

326 IAC 6.5-6-16 Fort Benjamin Harrison

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 16. Fort Benjamin Harrison in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Ft. Benjamin Harrison	0022	01	Boiler 1	16.7	.350	
	0022	02	Boiler 2	16.7	.350	
	0022	03	Boiler 3	16.7	.350	
	0022	04	Boiler 4	16.7	.350	

(Air Pollution Control Board; 326 IAC 6.5-6-16)

326 IAC 6.5-6-17 Glass Containers

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 17. Glass Containers in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Glass Containers	0293	01	Glass Melting Furnace	43.0		(1 lb/ton)

(Air Pollution Control Board; 326 IAC 6.5-6-17)

326 IAC 6.5-6-18 Illinois Cereal Mills, Incorporated

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 18. Illinois Cereal Mills, Incorporated, in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Illinois Cereal Mills, Incorporated	0020	01	Cleaver Brooks Boiler	1.0	.014	
	0020	02	Old Mill-Dust	4.3		.030
	0020	05	Old Mill-Dust	4.3		.030
	0020	06	Warehouse-Dust	5.8		.030
	0020	07	New Mill Dryers	3.0		.030
	0020	08	New Mill Dryers	3.0		.030
	0020	09	New Mill Dryers	3.0		.030
	0020	10	New Mill Dryers	3.0		.030
	0020	11	New Mill Dryers	9.4		.030
	0020	12	New Mill Coolers	3.1		.030
	0020	13	New Mill Cleaner	3.3		.030
	0020	14	Elevator Dust	1.6		.030
	0020	15	Headhouse Suction	3.1		.030
	0020	16	Corn Cleaner	1.0		.131
	0020	17	Corn Cleaner	1.0		.131
	0020	18	Headhouse Suction	6.0		.030
	0020	19	Old Mill Dust	5.9		.030
	0020	20	Large Hammermill	8.2		.030
	0020	03	Old Mill Dust	4.3		.030
	0020	04	Old Mill Dust	4.3		.030

(Air Pollution Control Board; 326 IAC 6.5-6-18)

326 IAC 6.5-6-19 Indep. Concrete Pipe

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 19. Indep. Concrete Pipe in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Indep. Concrete Pipe	0457	01	Ct. St. Bn. 04	.21		.014
	0457	02	Ct. St. Bn. 03	.41		.014

(Air Pollution Control Board; 326 IAC 6.5-6-19)

326 IAC 6.5-6-20 Indpls. Rubber Co.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 20. Indpls. Rubber Co. in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Indpls. Rubber Co.	0064	01	Boilers	70.0	.350	

(Air Pollution Control Board; 326 IAC 6.5-6-20)

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326 IAC 6.5-6-21 Ind. Asph. Pav. Co.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 21. Ind. Asph. Pav. Co. in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Ind. Asph. Pav. Co.	0027	01	Roty. Dry. 1	7.8		.074
	0027	02	Roty. Dry. 2	3.9		.066

(Air Pollution Control Board; 326 IAC 6.5-6-21)

326 IAC 6.5-6-22 Ind. Veneers

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 22. Ind. Veneers in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Ind. Veneers	0031	01	Wd. and Cl. Boil.	13.9	.330	

(Air Pollution Control Board; 326 IAC 6.5-6-22)

326 IAC 6.5-6-23 IPL

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 23. IPL in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
IPL (Perry K)	0034	01	Boiler 11		*.0125	
			(natural gas, coke oven gas)			
	0034	01	Boiler 12 (coal)		*.0175	
	0034	02	Boiler 13		*.082	
			(natural gas, coke oven gas)			
	0034	02	Boiler 14		*.082	
			(natural gas, coke oven gas)			
	0034	03	Boiler 15 (coal)		*.106	
			Boiler 16 (coal)		*.106	
0034	03	Boiler 17 (oil)		*.015		
		Boiler 18 (oil)		*.015		
		Boilers 11, 12, 13, 14, 15, 16, 17, and 18	484.4 total			
IPL (Stout)	0033	09	Boiler 9	1.9	*.015	
			Boiler 10	2.2	*.015	
	0033	11	Boiler 50	82.2	*.135	
			Boiler 60	82.2	*.135	
	0033	13	Boiler 70	830.7	*.1	
	0033	14	Gas Turbine 1	.28	*.015	
			Gas Turbine 2	.28	*.015	
0033	16	Gas Turbine 3	.28	*.015		

*Compliance shall be determined using 40 CFR 60, Appendix A, Method 5.**

****This document is incorporated by reference and is available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or is available for review and copying at the Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 6.5-6-23)**

326 IAC 6.5-6-24 Nat'l. R.R. (Amtrak)

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 24. Nat'l. R.R. (Amtrak) in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Nat'l. R.R. (Amtrak)	0646	01	Boiler 1	23.0	.350	
	0646	02	Boiler 2	23.0	.350	

(Air Pollution Control Board; 326 IAC 6.5-6-24)

326 IAC 6.5-6-25 National Starch

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 25. (a) National Starch in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
National Starch	0042	06	61-9	4.1		.016
	0042	11	56-2	11.3		0.010
	0042	12	71-2	2.6		.030
	0042	13	61-6	.1		.030
	0042	22	56-1	7.02		0.020
	0042	29	40-4	44.1		0.020
	0042	30	40-3	42.3		0.020
	0042	31	40-2	31.9		0.020
	0042	43A	42-1	.9		.030
	0042	46	61-14A	.6		.029
	0042	47	61-14	1.2		.028
	0042	55	42-8	4.2		.030
	0042	56A	42-7A	1.7		.032
	0042	56B	42-7B	1.7		.032
	0042	56C	42-7C	1.7		.032
	0042	57A	42-3A	1.8		.032
	0042	57B	42-3B	1.8		.032
	0042	57C	42-3C	1.8		.032
	0042	57D	42-3D	1.8		.032
	0042	57E	42-3E	1.8		.032
	0042	57F	42-3F	1.8		.032
	0042	59	42-4	2.3		.029
	0042	60	42-10	2.4		.030
	0042	63	42-6	2.5		.030
	0042	64	71-1	.9		.030
	0042	67A	71-5A	.3		.026
	0042	67B	71-5B	.3		.026
	0042	67C	71-5C	.3		.026
	0042	67D	71-5D	.3		.026
	0042	67E	71-5E	.3		.026
0042	67F	71-5F	.3		.026	
0042	67G	71-5G	.3		.026	

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	0042	67H	71-5H	.3	.026
	0042	67I	71-5I	.3	.026
	0042	67J	71-5J	.3	.026
	0042	67K	71-5K	.3	.026
	0042	67L	71-5L	.3	.026
	0042	68A	71-4A	.3	.026
	0042	68B	71-4B	.3	.026
	0042	68C	71-4C	.3	.026
	0042	68D	71-4D	.3	.026
	0042		575-1	32.4	.018
	0042		575-2	32.4	0.011
100% natural gas	0042	04	Boiler 4		

(b) Processes 40-4, 40-3, 40-2, 575-1, and 575-2 and Boiler 4 at National Starch identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas. (*Air Pollution Control Board; 326 IAC 6.5-6-25*)

326 IAC 6.5-6-26 Navistar International

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 26. (a) Navistar International in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Navistar International	0039	1a	E.M. 1 Baghouse	45.7		.019
	0039	1b	E.M. 2 Baghouse	53.5		.020
	0039	02	Boiler 1	14.0	.30	
	0039	03	Boiler 2	13.0	.30	
	0039	04	Boiler 3	34.9	.30	
	0039	05	Phase 1 Baghouse	35.4		.020
	0039	06	Phase 3 Baghouse	55.1		.020
	0039	07	M-3 Baghouse	72.4		.015
	0039	98	Phase 4 Baghouse	99.6		.02
	0039	99	Phase 5 Baghouse	62.0		.02
	0039	08	Cst. Cl. Cr. 1	.0		.0
	0039	09	Pngbrn. Shtb.	.0		.0
	0039	10	Cst. Clg. Cr. 2	.0		.0

(b) In addition to complying with section 1 of this rule and subsection (a), Navistar International Transportation Corporation shall comply with the following:

- (1) The height of each of the two (2) stacks on the M-3 baghouse (Point ID 07) shall be increased by fifty (50) feet by August 31, 1990.
- (2) Within thirty (30) days of December 14, 1989, Navistar shall submit to the department the following:
 - (A) A certification as to the complete and permanent shutdown of the sources identified as Point ID 8, 9, and 10 of subsection (a) and No. 2 Large Mold Line, M-2 Mold Line, and M-4 Mold Line and the core-making and core-knockout operations for these mold lines.
 - (B) A written list of sources not identified in sections 2 through 5 of this rule, this section, and sections 27 through 36 of this rule with a potential to emit ten (10) or greater tons per year.
- (3) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department of the

monthly emissions from each emission point identified in subsection (a) that contains information necessary to estimate emissions, including the following:

- (A) For boilers, the following:
 - (i) Fuel type.
 - (ii) Usage.
 - (iii) Ash content.
 - (iv) Heat content.
- (B) For other processes, the following:
 - (i) Appropriate production data.
 - (ii) Emission factors.
 - (iii) Proper documentation of the emission factors.
- (4) The tons per year limitation shall be met based on the sum of the monthly emissions for each twelve (12) month period.
- (5) A written report detailing Navistar's operation and maintenance program to provide for proper operation of and to prevent deterioration of the air pollution control equipment on the emission points identified as Point ID 1a, 1b, 5, 6, 7, 98, and 99

in subsection (a) to be submitted to the department by July 31, 1990.

(Air Pollution Control Board; 326 IAC 6.5-6-26)

326 IAC 6.5-6-27 Praxair

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 27. Praxair in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Praxair	0060	01	3 Boilers	35.5	.350	

(Air Pollution Control Board; 326 IAC 6.5-6-27)

326 IAC 6.5-6-28 Quemetco (RSR Corp.)

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 28. Quemetco (RSR Corp.) in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Quemetco	0079	01	Rev. Fur. 01	5.8		.016

(Air Pollution Control Board; 326 IAC 6.5-6-28)

326 IAC 6.5-6-29 RCA

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 29. RCA in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
RCA	0047	02	2 Boil Oil	28.7	.15	

(Air Pollution Control Board; 326 IAC 6.5-6-29)

326 IAC 6.5-6-30 Refined Metals

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 30. Refined Metals in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Refined Metals	0036	01	Blast Furnace	2.8		.003
	0036	02	Pot Furnace	less than 1 T/yr		.0005

(Air Pollution Control Board; 326 IAC 6.5-6-30)

326 IAC 6.5-6-31 Reilly Industries, Inc.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 31. Reilly Industries, Inc., in Marion County shall meet the following emission limits:

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Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Reilly Industries, Inc.	0049	01	186 N		.15	
	0049	02	2722 W		.15	
	0049	03	2726 S		.15	
			186N, 2722 W, and 2726 S	12.2 total		
100% natural gas	0049	04	2728 S	2.2	.15	
	0049	05	2607 T			
	0049	06	2714 V	3.1	.15	
	0049	07	2707 V	.4	.011	
100% natural gas	0049	08	2724 W			
100% natural gas	0049	09	702611			
100% natural gas	0049	10	722804		.011	
	0049	11	732714	7.5	.15	
100% natural gas	0049	12	2706 Q	.1	.011	
	0049	13	2713 W			
100% natural gas	0049	14	2714 W			
	0049	18	2729 Q	.1	.011	
	0049	20	2740 Q	2.0	.15	

(b) In addition to complying with subsection (a), Reilly Industries shall comply with the following:

- (1) Processes 2607 T, 702611, 722804, 2713 W, and 2714 W at Reilly Industries, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas.
- (2) Maintain monthly fuel usage records for processes 186 N, 2722 W, and 2726 S that contain sufficient information to estimate emissions including the following:
 - (A) Boiler identification.
 - (B) Fuel usage for each type of fuel.
 - (C) Heat content of fuel.
 - (D) Emission factor used to calculate emissions.
- (3) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department and the Indianapolis office of environmental services division of the monthly emissions for each of the previous twelve (12) months

for boilers 186 N, 2722 W, and 2726 S, including the information in subdivision (2).

- (4) Compliance with the annual tons per year limitation shall be based on the sum of the monthly emissions for each twelve (12) month period.
- (5) The fuel usage records shall be maintained at the source for three (3) years and available for an additional two (2) years. The records shall be made available to the department or its designated representative upon request.

(Air Pollution Control Board; 326 IAC 6.5-6-31)

326 IAC 6.5-6-32 Richardson Co.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 32. Richardson Co., in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Richardson Co.	0065	01	Boil. 2 Oil	1.5	.015	

(Air Pollution Control Board; 326 IAC 6.5-6-32)

326 IAC 6.5-6-33 Rolls-Royce Corporation

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 33. (a) Rolls-Royce Corporation in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Rolls-Royce Corporation	311	01	Boilers 0070-01 through 0070-04		.337	
	311	02	Boilers 0070-58 and 0070-59		.15	

311 03 Boilers 0070-62 through 0070-65 .15
 311 01, 02, Boilers 0070-01 through 0070-04, 130 total for all boilers
 03 0070-58, 0070-59, 0070-62 through 0070-65

(b) In addition to complying with section 1 of this rule and subsection (a), Rolls-Royce Corporation shall comply with the following:

- (1) Boilers 0070-01 through 0070-04 may use only:
 - (A) #2 fuel oil;
 - (B) #4 fuel oil;
 - (C) natural gas; or
 - (D) landfill gas;
 as a fuel.
- (2) Boilers 0070-58, 0070-59, and 0070-62 through 0070-65 may use only:
 - (A) #6 fuel oil;
 - (B) #4 fuel oil;
 - (C) #2 fuel oil;
 - (D) natural gas; or
 - (E) landfill gas;
 as a fuel.
- (3) Boilers 0070-01 through 0070-04, 0070-58, 0070-59, and 0070-62 through 0070-65 shall have the following limitations depending upon the fuel being used:
 - (A) When using only #4 fuel oil, the amount used for the listed boilers collectively is not to exceed thirty-seven million one hundred forty-two thousand eight hundred (37,142,800) gallons per year based on a three hundred sixty-five (365) day rolling figure.

- (B) When using coal, #6 fuel oil, #2 fuel oil, natural gas, or landfill gas, the limitation listed in clause (A) shall be adjusted as follows:
 - (i) When using #6 fuel oil, the gallons per year of #4 fuel oil shall be reduced by two and six-tenths (2.6) gallons per gallon used.
 - (ii) When using natural gas, the gallons per year of #4 fuel oil shall be reduced by eighty-eight hundred-thousandths (0.00088) gallon per cubic foot of natural gas burned.
 - (iii) When using #2 fuel oil, the gallons per year of #4 fuel oil shall be reduced by twenty-eight hundredths (0.28) gallon per gallon used.
 - (iv) When using landfill gas, the gallons per year of #4 fuel oil shall be reduced by one hundred sixteen hundred-thousandths (0.00116) gallon per cubic foot of landfill gas burned.
- (4) A log shall be maintained to document compliance with subdivision (3). These records shall be maintained for at least the previous twenty-four (24) month period and shall be made available upon request by the department.

(Air Pollution Control Board; 326 IAC 6.5-6-33)

326 IAC 6.5-6-34 St. Vincent's Hospital

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 34. St. Vincent's Hospital in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
St. Vincent's Hospital <i>(Air Pollution Control Board; 326 IAC 6.5-6-34)</i>	0476	0103	Boilers 1-3	.7	.011	

326 IAC 6.5-6-35 Sludge Incinerator

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 35. Sludge Incinerator in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Sludge Incinerator	0032	01	Incinerator #5	17.9		.030
	0032	02	Incinerator #6	17.9		.030
	0032	03	Incinerator #7	17.9		.030
	0032	04	Incinerator #8	17.9		.030
	0032	05	Incinerators #1-4	72.5		.030

(Air Pollution Control Board; 326 IAC 6.5-6-35)

326 IAC 6.5-6-36 Stokely Van Camp

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 36. Stokely Van Camp in Marion County shall meet the following emission limits:

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Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons per year	lbs/million Btu	grains/dscf
Stokely Van Camp <i>(Air Pollution Control Board; 326 IAC 6.5-6-36)</i>	0056	0103	Boiler	93.3	.350	

Rule 7. St. Joseph County

326 IAC 6.5-7-1 General provisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in St. Joseph County and listed in sections 2 through 20 of this rule shall meet the specified emission limits. *(Air Pollution Control Board; 326 IAC 6.5-7-1)*

326 IAC 6.5-7-2 Allied Signal Aerospace

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 2. (a) Allied Signal Aerospace in St. Joseph County shall meet the following requirements:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Allied Signal Aerospace 100% natural gas	01	10P	3 Gas Fired Boilers 31 MMBTU/Hr. total			

(b) Three (3) boilers at Allied Signal Aerospace, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas. *(Air Pollution Control Board; 326 IAC 6.5-7-2)*

326 IAC 6.5-7-3 AM General

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 3. AM General in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
AM General	29	39P	Oil Fired Boiler No. 1 9 MMBTU/Hr.	6.60	0.150	
	30	40P	Oil Fired Boiler No. 2 9 MMBTU/Hr.	9.40	0.150	

(Air Pollution Control Board; 326 IAC 6.5-7-3)

326 IAC 6.5-7-4 ARCO Engg. Const. Corporation

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 4. ARCO Engg. Const. Corporation in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
ARCO Engg. Const. Corp.	01	26P	Rotary Dryer	24.70		0.153

(Air Pollution Control Board; 326 IAC 6.5-7-4)

326 IAC 6.5-7-5 Asphalt Engineers

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 5. Asphalt Engineers in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Asphalt Engineers <i>(Air Pollution Control Board; 326 IAC 6.5-7-5)</i>	01	9P	Rotary Dryer	10.40		0.270

326 IAC 6.5-7-6 Bosch Braking Systems

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 6. (a) Bosch Braking Systems in St. Joseph County shall meet the following requirements:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Bosch Braking Systems						
100% natural gas	01-03	29P	Boiler Nos. 1, 2, 3 Gas Fired 84 MMBTU/Hr. each			
100% natural gas	04-05	30P	Boiler No. 4 Gas Fired 63 MMBTU/Hr.			

(b) Boiler Nos. 1, 2, 3, and 4 at Bosch Braking Systems, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas. *(Air Pollution Control Board; 326 IAC 6.5-7-6)*

326 IAC 6.5-7-7 I & M-Twin Branch

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 7. I & M-Twin Branch in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
I & M-Twin Branch	02-03	48P	Boilers Nos. 41 and 42 Oil Fired 525 MMBTU/Hr. each	35.80	0.014	
	04	49P	Boiler No. 5 oil fired 1,367 MMBTU/Hr.	61.90	0.014	

(Air Pollution Control Board; 326 IAC 6.5-7-7)

326 IAC 6.5-7-8 Mishawaka Brass

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 8. Mishawaka Brass in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Mishawaka Brass	01	27P	Rotary Furnace	4.13		0.091

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(Air Pollution Control Board; 326 IAC 6.5-7-8)

326 IAC 6.5-7-9 Northern Indiana Children's Hospital

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 9. Northern Indiana Children's Hospital in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Northern Indiana Children's Hospital	01-03	13P	3 Oil Fired Boilers 3 MMBTU/Hr. each	1.40	0.060	

(Air Pollution Control Board; 326 IAC 6.5-7-9)

326 IAC 6.5-7-10 RACO

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 10. RACO in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
RACO	01	41P	Oil Fired Boilers Nos. 1, and 2.21 MMBTU/Hr.	4.20	0.080	
	02	42P	Boiler No. 3 Oil Fired 10 MMBTU/Hr.	3.50	0.080	
	03	43P	Boiler No. 4 Oil Fired 10 MMBTU/Hr.	3.50	0.080	

(Air Pollution Control Board; 326 IAC 6.5-7-10)

326 IAC 6.5-7-11 Reith Riley Construction

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 11. Reith Riley Construction in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Reith Riley Construction						
Plant No. 0027	01	44P	Rotary Dryer	1.70		0.052
Plant No. 0017	02	45P	Rotary Dryer	11.10		0.132

(Air Pollution Control Board; 326 IAC 6.5-7-11)

326 IAC 6.5-7-12 Reliance Electric-Dodge Division

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 12. Reliance Electric-Dodge Division in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Reliance Electric-Dodge Division	01	31P	3 Electric Induction Furnaces	37.50		0.090
	03	32P	Chip and Grinding-Main Baghouse	5.5		0.001

04	33P	South Foundry-Sand Handling	6.66	0.017
05	34P	South Foundry-Shake Out	5.17	0.012
07	35P	East Foundry-Shake Out and Sand Handling	3.16	0.010
10	37P	Wheelblast, Railblast, #1 Spinner Hanger	5.5	0.015

(Air Pollution Control Board; 326 IAC 6.5-7-12)

326 IAC 6.5-7-13 Saint Mary's

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 13. (a) Saint Mary's in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Saint Mary's	01	54P	Boiler No. 2 Coal Fired 63 MMBTU/Hr.	12.90	0.110	
	02	55P	Boiler No. 3 Coal Fired 63 MMBTU/Hr.	12.90	0.110	
100% natural gas	03	56P	Boiler No. 1 Gas Fired 63 MMBTU/Hr.			

(b) Boiler No. 1 at Saint Mary's, identified in subsection (a) as one hundred percent (100%) natural gas burner, shall burn only natural gas. *(Air Pollution Control Board; 326 IAC 6.5-7-13)*

326 IAC 6.5-7-14 Sibley Machine & Foundry

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 14. Sibley Machine & Foundry in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Sibley Machine & Foundry	01	1P	Cupola	26.8		0.71
	02	2P	Grinding	3.0		0.023
	03	3P	Tumble Blast	5.0		0.030
	04	4P	Table Blasting	4.3		0.037
	05	5P	Sand Handling	5.0		0.052
	06	6P	Sand Handling	19.0		0.074
	07	7P	Sand Handling	14.60		0.027
	08	8P	Sand Handling	5.6		0.021

(Air Pollution Control Board; 326 IAC 6.5-7-14)

326 IAC 6.5-7-15 Uniroyal

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 15. Uniroyal in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Uniroyal	01-03	17P	Boilers No. 1, 2, 3 Coal and Gas Fired 150 MMBTU/Hr. each	40	0.100	

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(Air Pollution Control Board; 326 IAC 6.5-7-15)

326 IAC 6.5-7-16 University of Notre Dame

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 16. University of Notre Dame in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
University of Notre Dame	01-03	14P	Boiler No. 1, No. 6 Oil and Gas Fired 137 MMBTU/Hr.		0.087	
			Boiler No. 2 and 3 Coal Fired 96 MMBTU/Hr. each		0.28	
	04	15P	Boiler No. 4 Oil, Gas, and Coal Fired 234 MMBTU/Hr.		0.17	
	05	16P	Boiler No. 5, No. 2 Oil Fired 244.5 MMBTU/Hr. Boiler Nos. 1, 2, 3, 4, and 5	118.7 total	0.02	

(Air Pollution Control Board; 326 IAC 6.5-7-16)

326 IAC 6.5-7-17 Volney Felt Mills

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 17. Volney Felt Mills in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Volney Felt Mills	01	11P	Oil Fired Boiler 22 MMBTU/Hr.	5.90	0.130	
	02	12P	Hammer Mill	1.0		0.028

(Air Pollution Control Board; 326 IAC 6.5-7-17)

326 IAC 6.5-7-18 Walsh & Kelly

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 18. Walsh & Kelly in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Walsh & Kelly		46P	Rotary Dryer	20.48		0.049

(Air Pollution Control Board; 326 IAC 6.5-7-18)

326 IAC 6.5-7-19 Wheelabrator Frye

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 19. Wheelabrator Frye in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Wheelabrator Frye.	01	18P	Standby Furnaces Nos. 1 and 2	0.12		0.006
	02	19P	Standby Furnaces Nos. 3 and 4	0.30		0.006

03	20P	Furnace No. 5	2.80	0.004
04	21P	Furnace No. 6	2.80	0.004
05	22P	Sand Handling	1.70	0.017
07	23P	Heat Treatment Furnace	8.70*	0.055
08	24P	Shot Separation	5.90	0.036
09	25P	Foundry Arc Furnace	4.20	0.004

*Difference between RACT allowed and projected actual emissions on tons/year basis is very small and impact on air quality is insignificant from this source; projected actual emission is the strategy allowed emission. (Air Pollution Control Board; 326 IAC 6.5-7-19)

326 IAC 6.5-7-20 White Farm Equipment Company

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 20. White Farm Equipment Company in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
White Farm Equipment Co.	01	28P	Coal Fired Boiler 17 MMBTU/Hr.	21.90	0.470	

(Air Pollution Control Board; 326 IAC 6.5-7-20)

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(b) Compliance with the tons per year limit shall be acceptable if within five percent (5%) of the established tons per year emission limit. (Air Pollution Control Board; 326 IAC 6.5-8-1)

326 IAC 6.5-8-1 General provisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) In addition to the emission limits contained in 326 IAC 6.5-1-2, sources and facilities located in Vanderburgh County and listed in sections 2 through 15 of this rule shall meet the specified emission limits.

326 IAC 6.5-8-2 Bernadin

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 2. Bernadin in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Bernadin	01	04	Coal Boiler	9.0	0.220	

(Air Pollution Control Board; 326 IAC 6.5-8-2)

326 IAC 6.5-8-3 Craddock Finishing

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 3. Craddock Finishing in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Craddock Furniture	01	27	Coal Boiler	0.7	0.085	

(Air Pollution Control Board; 326 IAC 6.5-8-3)

326 IAC 6.5-8-4 Evv. State Hospital

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 4. Evv. State Hospital in Vanderburgh County shall meet the following emission limits:

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Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Evv. State Hospital	01	06	Coal Boiler No. 1	69.53	0.50	
	02	07	Oil Boiler No. 2	1.04	0.014	
	03	08	Oil Boiler No. 3	1.04	0.014	

(Air Pollution Control Board; 326 IAC 6.5-8-4)

326 IAC 6.5-8-5 Evansville Veneer & Lumber

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 5. Evansville Veneer & Lumber in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Evansville Veneer & Lumber	01	29	Wood Boiler	89.34	1.10	

(Air Pollution Control Board; 326 IAC 6.5-8-5)

326 IAC 6.5-8-6 General Foods

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 6. General Foods in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
General Foods	01-02	30	Oil Boiler Nos. 2 and 3	6.95	0.046	
	03	31	Wheat Clean	2.09		0.007
	04	32	Conveying	0.03		0.002
	07	33	Flour Grind	1.04		0.011
	08	34*	Conveying	1.04		0.003
	09	35	Wheat Clean	2.09		0.011
	10	36	Wheat Clean	36.15		0.680
	11	37	Wheat Hand	40.67		0.368
	12	38	Grain Unload	4.87		0.084
	13	39	Grain Unload	0.7		0.102
	14	40	Dust Control	36.15		1.329
	15	41	Wheat Clean	3.48		0.047
	16	42	Grain Dryer	9.73		0.007

*Difference between actual and RACT emissions on ton/yr. basis is small and the impact on air quality from this source is insignificant; 1985 projected emissions is the strategy allowed emission for this source. (Air Pollution Control Board; 326 IAC 6.5-8-6)

326 IAC 6.5-8-7 Inland Container

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 7. Inland Container in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Inland Container	02-03	28	Gas and Oil Boiler	2.1	0.030	

(Air Pollution Control Board; 326 IAC 6.5-8-7)

326 IAC 6.5-8-8 International Steel

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 8. International Steel in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
International Steel	01	12	Coal Boiler Nos. 1 and 2	10.8	0.150	

(Air Pollution Control Board; 326 IAC 6.5-8-8)

326 IAC 6.5-8-9 Mead Johnson

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 9. Mead Johnson in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Mead Johnson	01-02	16	Coal Boiler Nos. 3 and 4	130.71	0.38	
	03	17	Coal Boiler	68.14	0.280	

(Air Pollution Control Board; 326 IAC 6.5-8-9)

326 IAC 6.5-8-10 National of Evansville

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 10. National of Evansville in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
National of Evansville	01	18	Coal Boiler	99.08	5.2	

(Air Pollution Control Board; 326 IAC 6.5-8-10)

326 IAC 6.5-8-11 Nunn Milling

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 11. Nunn Milling in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Nunn Milling	01	43	Wheat Grind	133.49		11.63
	02	44	Hammer Mill	17.73		0.790
	03	45	Corn Mill 1	0.14		0.008
	04	46	Corn Mill 2	0.14		0.003
	05	47	Screen and Clean	9.39		1.66
	06	48	Flour Purify	3.13		0.277
	07	49	Pack Shack	9.39		0.738
	08	50	Wheat Scour	9.39		0.738

(Air Pollution Control Board; 326 IAC 6.5-8-11)

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326 IAC 6.5-8-12 Purina Mills, Inc.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 12. Purina Mills, Inc., in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Purina Mills Inc.	03	52	Unloading	0.03		0.001
	04	53	Palleting	1.39		0.018

(Air Pollution Control Board; 326 IAC 6.5-8-12)

326 IAC 6.5-8-13 Sigeco

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 13. (a) Sigeco in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Sigeco 100% natural gas	01	01	Gas Turbine			

(b) The gas turbine at Sigeco, identified in subsection (a) as one hundred percent (100%) natural gas burner, shall burn only natural gas. (Air Pollution Control Board; 326 IAC 6.5-8-13)

326 IAC 6.5-8-14 Whirlpool Hwy. 41

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 14. Whirlpool Hwy. 41 in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Whirlpool Hwy. 41	01	21	Coal Boiler No. 2	33.37	0.119	
	02	22	Coal Boiler No. 3	33.37	0.119	
	03	23	Coal Boiler No. 4	815.55	1.70	
	04	24	Oil Boiler No. 5	24.68	0.066	

(Air Pollution Control Board; 326 IAC 6.5-8-14)

326 IAC 6.5-8-15 Whirlpool-Morgan Avenue

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 15. Whirlpool-Morgan Avenue in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Whirlpool-Morgan Avenue	01	25	Coal Boiler No. 1	163.04	0.642	
	02-03	26	Coal Boiler Nos. 2 and 3	237.43	0.750	

(Air Pollution Control Board; 326 IAC 6.5-8-15)

Rule 9. Vigo County

326 IAC 6.5-9-1 General provisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) In addition to the emission limits contained in 326 IAC 6.5-1-2, sources and facilities located in Vigo County and listed in sections 2 through 20 of this rule shall meet the specified emission limitations.

(b) Compliance with the tons per year limit shall be acceptable if within five percent (5%) of the established tons per year emission limit. (Air Pollution Control Board; 326 IAC 6.5-9-1)

326 IAC 6.5-9-2 Alcan

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 2. Alcan in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
Alcan	466.23	4376.07	No. 2 Melter	49.3		3 lb/ton
	466.23	4376.06	No. 3 Melter	49.3		3 lb/ton
	466.23	4376.05	No. 4 Melter	49.3		3 lb/ton
	466.23	4376.04	No. 5 Melter	144.5		3 lb/ton
	466.23	4376.03	No. 6 Melter	144.5		3 lb/ton
	466.23	4376.09	No. 7 Melter	184.0		3 lb/ton

(Air Pollution Control Board; 326 IAC 6.5-9-2)

326 IAC 6.5-9-3 Colombian Home Products

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 3. Columbian Home Products in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
Columbian Home Products	455.36	4370.89	No. 1 and 2 Boilers (1 stack)	69.0	.35	

(Air Pollution Control Board; 326 IAC 6.5-9-3)

326 IAC 6.5-9-4 Gartland Foundry

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 4. Gartland Foundry in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
Gartland Foundry	464.54	4365.81	Cupola	112.5		.15 gr/dscf

(Air Pollution Control Board; 326 IAC 6.5-9-4)

326 IAC 6.5-9-5 Graham Grain

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 5. Graham Grain in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units

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Graham Grain	464.21	4365.73	Drying	1.7	
	464.21	4365.81	Handling	16.0	Good housekeeping as defined by this article and the board or its designated agent.

(Air Pollution Control Board; 326 IAC 6.5-9-5)

326 IAC 6.5-9-6 Indiana Gas & Chemical
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 6. Indiana Gas & Chemical in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
Indiana Gas & Chemical	465.88	4366.27	4 Boilers	61.6	.15	
	465.92	4366.30	Coal Unloading	38.6		Comply with 326 IAC 11-3
	465.91	4366.24	Quenching	86.9		Comply with 326 IAC 11-3
	465.91	4366.32	No. 1 Charging and Coking	77.2		Comply with 326 IAC 11-3
	465.91	4366.32	No. 4 Pushing	2.2		.04 lb/ton of coke
	465.89	4366.35	No. 1 Underfire Stack	7.0		.03 gr/dscf
	465.91	4366.29	No. 2 Charging and Coking	77.2		Comply with 326 IAC 11-3
	465.91	4366.29	No. 2 Pushing	2.2		.04 lb/ton of coke
	465.91	4366.27	No. 2 Underfire Stack	7.0		.03 gr/dscf

(Air Pollution Control Board; 326 IAC 6.5-9-6)

326 IAC 6.5-9-7 ISU
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 7. ISU in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
ISU	465.03	4369.14	No. 2 and 3 Boilers (1 stack)	207.5	.35	Boilers 2 and 3 will not be used simultaneously with Boiler 5.
	465.03	4369.14	No. 5 Boiler (1 stack)	232.4	.35	
	465.04	4369.13	No. 4 Boiler	57.5	.15	

(Air Pollution Control Board; 326 IAC 6.5-9-7)

326 IAC 6.5-9-8 International Paper
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 8. International Paper in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
International Paper	463.42	4365.58	No. 1 and 4 Boilers	483.8	.35	
	463.71	4366.00	No. 5 Boiler	61.2	.15	
	463.65	4665.57	Reclaim Furnace	311.0		71 lb/hr

(Air Pollution Control Board; 326 IAC 6.5-9-8)

326 IAC 6.5-9-9 J. I. Case

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 9. J. I. Case in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
J. I. Case	466.32	4375.13	No. 1 and 2 Boilers (1 stack)	308.3	.68	

(Air Pollution Control Board; 326 IAC 6.5-9-9)

326 IAC 6.5-9-10 Martin Marietta

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 10. Martin Marietta in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
Martin Marietta	459.30	4360.60	Gravel Pit	86.7		Comply with 326 IAC 6-4 and good housekeeping as defined in this article and by the board or its designated agent.

(Air Pollution Control Board; 326 IAC 6.5-9-10)

326 IAC 6.5-9-11 PSI

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 11. PSI in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
PSI	463.58	4375.20	Units 1-6	4102.3	0.1338	

(Air Pollution Control Board; 326 IAC 6.5-9-11)

326 IAC 6.5-9-12 Rose Hulman

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 12. Rose Hulman in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
Rose Hulman	472.19	4370.38	No. 1 Boiler	49.3	.6	

(Air Pollution Control Board; 326 IAC 6.5-9-12)

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326 IAC 6.5-9-13 Sisters of Providence

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 13. Sisters of Providence in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
Sisters of Providence	460.48	4373.41	No. 2 and 3 Boilers	89.9		20.52 lb/hr
	460.50	4373.42	No. 5, 7, and 8 Boilers	106.2		24.24 lb/hr

(Air Pollution Control Board; 326 IAC 6.5-9-13)

326 IAC 6.5-9-14 Terre Haute Concrete

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 14. Terre Haute Concrete in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				ton/yr	lbs/million BTU	other units
Terre Haute Concrete	465.44	4368.96	Batch Plant No. 1	52.5		Comply with 326 IAC 6-4 and good housekeeping procedures as defined by the board or its designated agent.
	465.44	4368.98	Batch Plant No. 2	48.3		

(Air Pollution Control Board; 326 IAC 6.5-9-14)

326 IAC 6.5-9-15 Terre Haute Grain

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 15. Terre Haute Grain in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
Terre Haute Grain	465.89	4365.42	Unloading	45.9		Good housekeeping as defined by this article and the board or its designated agent.
	465.87	4365.40	Loading	22.9		
	465.85	4365.39	Bin Unloading	76.1		
	465.89	4365.37	Drying	10.1		

(Air Pollution Control Board; 326 IAC 6.5-9-15)

326 IAC 6.5-9-16 Terre Haute Malleable

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 16. Terre Haute Malleable in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
Terre Haute Malleable	4660.50	4371.32	Exhaust Fans	3.8		.15 gr/dscf

(Air Pollution Control Board; 326 IAC 6.5-9-16)

326 IAC 6.5-9-17 Ulrich Chemical

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 17. Ulrich Chemical in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				ton/yr	lbs/million BTU	other units
Ulrich Chemical	466.13	4365.39	Soda Ash Handling	4.5	.03 gr/dscf	

(Air Pollution Control Board; 326 IAC 6.5-9-17)

326 IAC 6.5-9-18 United States Penitentiary

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 18. United States Penitentiary in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
United States	461.15	4363.13	No. 1 Boiler	41.1	.15	
Penitentiary	461.15	4363.12	No. 2 Boiler	41.1	.15	
	461.15	4363.11	No. 3 Boiler	41.1	.15	
	462.43	4363.63	Camp Boiler	20.5	.15	

(Air Pollution Control Board; 326 IAC 6.5-9-18)

326 IAC 6.5-9-19 Wabash Fibre Box

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 19. Wabash Fibre Box in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
Wabash Fibre Box	466.57	4370.89	Boiler	16.4	.15	
	466.54	4371.01	Reserve Boiler	55.2	.6	

(Air Pollution Control Board; 326 IAC 6.5-9-19)

326 IAC 6.5-9-20 Wabash Valley Asphalt

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 20. Wabash Valley Asphalt in Vigo County shall meet the following emission limits:

Source	East Km	North Km	Process	Emission Limits		
				tons/yr	lbs/million BTU	other units
Wabash Valley Asphalt	468.38	4374.20	North Plant	194.7		Comply with 326 IAC 6-4
	459.30	4360.60	South Plant	315.6		Comply with 326 IAC 6-4

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(Air Pollution Control Board; 326 IAC 6.5-9-20)

Rule 10. Wayne County

326 IAC 6.5-10-1 General provisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in Wayne County and listed in sections 2 through 19 of this rule shall meet the specified emission limitations. (Air Pollution Control Board; 326 IAC 6.5-10-1)

326 IAC 6.5-10-2 Barrett Paving Materials

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 2. Barrett Paving Materials in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Barrett Paving Materials	0029	24	Primary Crushing	17.40		
			Secondary Crushing	63.3		
			Screening/Conveying/Handling	292.4		

(Air Pollution Control Board; 326 IAC 6.5-10-2)

326 IAC 6.5-10-3 Belden Wire and Cable (office)

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 3. Belden Wire and Cable (office) in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Belden Wire and Cable (office)	0003	1P	Oil Boiler 39 MMBTU/Hr.	8.0	0.015	

(Air Pollution Control Board; 326 IAC 6.5-10-3)

326 IAC 6.5-10-4 Belden Wire and Cable (plant)

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 4. Belden Wire and Cable (plant) in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Belden Wire and Cable (plant)	0003	39	Plastic Compounding	8.0		
			Rubber Mixing	0.14		
			Pneumatic	10.80		

(Air Pollution Control Board; 326 IAC 6.5-10-4)

326 IAC 6.5-10-5 Cambridge City Milestone Contractors

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 5. Cambridge City Milestone Contractors in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Cambridge City Milestone Contractors <i>(Air Pollution Control Board; 326 IAC 6.5-10-5)</i>	0028	14P	Rotary Dryer	67.4		0.218

326 IAC 6.5-10-6 Dana Perfect Circle-Hagerstown

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 6. Dana Perfect Circle-Hagerstown in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Dana Perfect Circle-Hagerstown <i>(Air Pollution Control Board; 326 IAC 6.5-10-6)</i>	0014	10P	Gas Boiler 50 MMBTU/Hr.	2.10	0.010	

326 IAC 6.5-10-7 Dana Perfect Circle-Richmond

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 7. Dana Perfect Circle-Richmond in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Dana Perfect Circle-Richmond <i>(Air Pollution Control Board; 326 IAC 6.5-10-7)</i>	0004	2P	Cupola	51.50		0.133

326 IAC 6.5-10-8 Design & Manufacturing

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 8. Design & Manufacturing in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Design & Manufacturing <i>(Air Pollution Control Board; 326 IAC 6.5-10-8)</i>		34P	1 Coal Boiler 43.5 MMBTU/Hr.	38.20	0.350	

326 IAC 6.5-10-9 Earlham College

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 9. Earlham College in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Earlham College <i>(Air Pollution Control Board; 326 IAC 6.5-10-9)</i>		31P	Oil Boiler 14 MMBTU/Hr.	0.70	0.080	

326 IAC 6.5-10-10 Farmer's Grain

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 10. Farmer's Grain in Wayne County shall meet the following emission limits:

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Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Farmer's Grain	0017	47	Shipping, Receiving, Transferring, Conveying, Drying	732.0		

(Air Pollution Control Board; 326 IAC 6.5-10-10)

326 IAC 6.5-10-11 Johns Manville Corporation

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 11. Johns Manville Corporation in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Johns Manville Corporation	0006	15P	25 MMBTU/Hr. Natural Gas Boiler	1.5	0.0137	
		16P	Lines 2 and 3 Natural Gas Melt Furnaces	7.8		0.01
		17P	Line 6 Electric Melt Furnace	3.9		0.020
		19P	Line 3 Curing Oven	27.4		0.02
		20P	Line 6 Curing Oven	6.2		0.02
		21P	Line 2 Forming Process	58.3		0.02
		22P	Line 3 Forming Process	123.6		0.02
		23P	Line 6 Forming Process	45.4		0.02

(Air Pollution Control Board; 326 IAC 6.5-10-11)

326 IAC 6.5-10-12 Joseph H. Hill Co.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 12. Joseph H. Hill Co. in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Joseph H. Hill Co. PLT-A	0007	5P	3 Oil Boilers (Single Stack) 30 MMBTU/Hr.	1.40	0.015	
		6P	Oil Boiler 22.5 MMBTU/Hr.	1.0	0.015	
PLT-B	0031	7P	3 Oil Boilers (Single Stack) 175 MMBTU/Hr.	5.60	0.015	
PLT-C	0032	8P	Oil Boiler No. 1 19 MMBTU/Hr.	0.70	0.015	
		9P	Oil Boiler No. 2 7 MMBTU/Hr.	0.30	0.015	

(Air Pollution Control Board; 326 IAC 6.5-10-12)

326 IAC 6.5-10-13 Purina Mills, Inc.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 13. Purina Mills, Inc. in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Purina Mills, Inc.	0033	32P	2 Oil Boilers One Stack 27 MMBTU/Hr.	1.0	0.015	

(Air Pollution Control Board; 326 IAC 6.5-10-13)

326 IAC 6.5-10-14 Richmond Milestone Contractors

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 14. Richmond Milestone Contractors in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Richmond Milestone Contractors	0008	13P	Rotary Dryer	50.80		0.158

(Air Pollution Control Board; 326 IAC 6.5-10-14)

326 IAC 6.5-10-15 Richmond Power & Light

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 15. Richmond Power & Light in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Richmond Power & Light	0009	28P	Coal Boiler No. 1 385 MMBTU/Hr.	320*	0.19*	
		29P	Coal Boiler No. 2 730 MMBTU/Hr.	700*	0.22*	

*The combined emissions from Coal Boiler No. 1 and Coal Boiler No. 2 shall not exceed 0.22 lbs/MMBTU.

(Air Pollution Control Board; 326 IAC 6.5-10-15)

326 IAC 6.5-10-16 Richmond State Hospital

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 16. Richmond State Hospital in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Richmond State Hospital	0025	24P	(4 Gas/Oil Boilers) 123.4 MMBTU/Hr.	7.7	0.014	

(Air Pollution Control Board; 326 IAC 6.5-10-16)

326 IAC 6.5-10-17 Schrock Cabinet Company

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 17. Schrock Cabinet Company in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Schrock Cabinet Company	0015	26P	Wood Boiler 10 MMBTU/Hr.	7.60	0.190	
		27P	Coal Boiler 10 MMBTU/Hr.	6.90	0.280	

(Air Pollution Control Board; 326 IAC 6.5-10-17)

326 IAC 6.5-10-18 Wallace Metals

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 18. Wallace Metals in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Wallace Metals <i>(Air Pollution Control Board; 326 IAC 6.5-10-18)</i>	0011	33P	Oil Boiler 6.5 MMBTU/Hr.	0.10	0.015	

326 IAC 6.5-10-19 Wayne County Farm Bureau

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 19. Wayne County Farm Bureau in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million BTU	grains/dscf
Wayne County Farm Bureau	0021	39	Shipping/Receiving, Transfer- ring/Conveying, Screen- ing/Cleaning, Drying	10.40		

(Air Pollution Control Board; 326 IAC 6.5-10-19)

SECTION 2. 326 IAC 6.8 IS ADDED TO READ AS FOLLOWS:

ARTICLE 6.8. PARTICULATE MATTER LIMITATIONS FOR LAKE COUNTY

Rule 1. General Provisions

326 IAC 6.8-1-1 Applicability

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) Except as provided in subsection (b), sources or facilities located in Lake County shall comply with:

- (1) the limitations in 326 IAC 6.8-2 through 326 IAC 6.8-11, if the source or facility is specifically listed in 326 IAC 6.8-2 through 326 IAC 6.8-11; or
- (2) the limitations of section 2 of this rule, if the source or facility is not specifically listed in 326 IAC 6.8-2 through 326 IAC 6.8-11, but has:
 - (A) the potential to emit one hundred (100) tons or more; or
 - (B) actual emissions of ten (10) tons or more; of particulate matter per year.

(b) If the limitations in 326 IAC 6.8-2 through 326 IAC 6.8-11 and section 2 of this rule conflict with or are inconsistent with limitations established in 326 IAC 12, then the more stringent limitations shall apply. *(Air Pollution Control Board; 326 IAC 6.8-1-1)*

326 IAC 6.8-1-1.5 Definitions

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 1.5. (a) This section applies to the sources, facilities, and operations listed in this article.

(b) The following definitions apply throughout this article:

- (1) "Asphalt concrete plant" means a facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cement.
- (2) "Existing source" means any source that has commenced construction or is in operation on December 8, 2001.

(3) "Fuel combustion steam generator" means any furnace or boiler used in the process of burning solid, liquid, or gaseous fuel or any combination thereof for the purpose of producing steam by heat transfer.

(4) "Glass container manufacturing" means any industry manufacturing containers from soda-silica-lime-glass.

(5) "Grain elevator" means any plant or installation at which grain is:

- (A) unloaded;
- (B) handled;
- (C) cleaned;
- (D) dried;
- (E) stored; or
- (F) loaded.

(6) "Mineral aggregate operation" means an operation involving:

- (A) mining;
- (B) blasting and crushing;
- (C) sizing;
- (D) storing; and
- (E) transporting; of mineral materials.

(Air Pollution Control Board; 326 IAC 6.8-1-1.5)

326 IAC 6.8-1-2 Particulate emission limitations; fuel combustion steam generators, asphalt concrete plant, grain elevators, foundries, mineral aggregate operations; modification by commissioner

Authority: IC 13-14-8; IC 13-17-11; IC 13-17-3-4; IC 13-17-3-14
 Affected: IC 13-15; IC 13-17

Sec. 2. (a) Particulate matter emissions from facilities constructed after applicable dates in subsections (c) and (d) or not limited by subsection (b), (e), (f), or (g) shall not exceed seven-hundredths (0.07) gram per dry standard cubic meter (g/dscm) (three-hundredths (0.03) grain per dry standard cubic foot (dscf)).

(b) Fuel combustion steam generators are limited to the following particulate matter emissions limitations:

- (1) For solid fuel-fired generators:
 - (A) that have greater than sixty-three million (63,000,000) kilocalories (kcal) per hour heat input (two hundred fifty

million (250,000,000) Btu), a particulate matter content of no greater than eighteen-hundredths (0.18) gram per million calories (one-tenth (0.10) pound per million Btu);

(B) that have equal to or greater than six million three hundred thousand (6,300,000) kcal per hour heat input, but less than or equal to sixty-three million (63,000,000) kcal per hour heat input (equal to or greater than twenty-five million (25,000,000) Btu), a particulate matter content of no greater than sixty-three hundredths (0.63) gram per million calories (thirty-five hundredths (0.35) pound per million Btu); or

(C) that have less than six million three hundred thousand (6,300,000) kcal per hour heat input (twenty-five million (25,000,000) Btu), a particulate matter content of no greater than one and eight-hundredths (1.08) grams per million calories (six-tenths (0.6) pound per million Btu).

(2) For all liquid fuel-fired steam generators, a particulate matter content of no greater than twenty-seven hundredths (0.27) gram per million kcal (fifteen-hundredths (0.15) pound per million Btu).

(3) For all gaseous fuel-fired steam generators, a particulate matter content of no greater than one-hundredth (0.01) grain per dry standard cubic foot (dscf).

(c) Asphalt concrete plants in existence on or prior to June 11, 1973, and consisting of, but not limited to:

- (1) driers;
- (2) systems for:
 - (A) screening, handling, storing, and weighing hot aggregate;
 - (B) loading, transferring, and storing mineral filler; and
 - (C) mixing asphalt concrete; and
- (3) the loading, transfer, and storage systems associated with emission control systems;

are limited to particulate matter emissions of no greater than two hundred thirty (230) mg per dscm (one-tenth (0.1) grain per dscf).

(d) The following are the requirements for grain elevators:

(1) For grain elevators that began construction or modification prior to January 13, 1977, any grain storage elevator located at any grain processing source that has a permanent grain storage capacity of thirty-five thousand two hundred (35,200) cubic meters (one million (1,000,000) U.S. bushels) or more, and any grain terminal elevator that has a permanent grain storage capacity of eighty-eight thousand one hundred (88,100) cubic meters (two million five hundred thousand (2,500,000) U.S. bushels) or more shall be limited to particulate matter emissions of no greater than seven-hundredths (0.07) g/dscm (three-hundredths (0.03) grain per dscf).

(2) All grain elevators subject to this article shall provide for housekeeping and maintenance procedures that minimize the opportunity for particulate matter to become airborne and leave the property, such as the following:

- (A) Housekeeping practices shall be conducted as follows:
 - (i) Areas to be swept and maintained shall include at a minimum:
 - (AA) general grounds, yard, and other open areas;
 - (BB) floors, decks, hopper areas, loading areas, dust collectors, and all areas of dust or waste concentrations; and
 - (CC) grain driers with respect to accumulated particulate matter.

(ii) Cleanings and other collected waste material shall be handled and disposed of so that the area does not generate fugitive dust.

(iii) Dust from driveways, access roads, and other areas of travel shall be controlled.

(iv) Accidental spills and other accumulations shall be cleaned up as soon as possible but no later than completion of the day's operation.

(B) Equipment maintenance shall consist of procedures that eliminate or minimize emissions from equipment or a system caused by the following:

- (i) Malfunctions.
- (ii) Breakdowns.
- (iii) Improper adjustment.
- (iv) Operating above the rated or designed capacity.
- (v) Not following designed operating specifications.
- (vi) Lack of good preventive maintenance care.
- (vii) Lack of critical and proper spare replacement parts on hand.
- (viii) Lack of properly trained and experienced personnel.

(C) Emissions from the affected areas, operations, equipment, and systems shall not exceed twenty percent (20%) opacity as determined under 326 IAC 5-1.

(e) Gray iron foundries shall be limited to the following:

(1) Any cupola of a gray iron foundry shall be limited to particulate matter emissions of no greater than thirty-four hundredths (0.34) g/dscm (fifteen-hundredths (0.15) grain/dscf).

(2) Any melting process, excluding any cupola, of a gray iron foundry shall be limited to particulate matter emissions of no greater than sixteen-hundredths (0.16) g/dscm (seven-hundredths (0.07) grain/dscf).

(f) Glass container manufacturing furnace operations shall be limited to particulate matter emissions of no greater than one (1.0) gram per two (2.0) kilograms of process material (one (1.0) pound per ton).

(g) Mineral aggregate operations, where the process is totally enclosed, shall comply with the requirements in subsection (a). In addition, 326 IAC 2, 326 IAC 5-1, and 326 IAC 6-4 shall apply in all cases to mineral aggregate operations.

(h) Based on modeling analyses available to the commissioner, where it is determined that the limitations in subsections (a) through (g) are not adequate to achieve and maintain the ambient particulate air quality standards established by 326 IAC 1-3, the limitations set forth in this section may be changed for facilities:

- (1) having a significant impact on air quality and located in areas where the ambient particulate standard either is not attained or will not be maintained without emission limitations in addition to those set forth in this section; and
- (2) required to comply with the prevention of significant deterioration requirements of 326 IAC 2.

These limitations shall be established in construction and operation permits issued in accordance with the procedures set forth in 326 IAC 2.

(i) If the emission limitations established in subsections (a) through (g) for facilities that were operating or under construction on August 7, 1980, impose a severe economic hardship on any individual source, then the source may petition the commissioner

for reconsideration of the limitations. If the source can demonstrate to the commissioner's satisfaction that a severe hardship will be caused if the applicable requirements in this rule are enforced, then less restrictive emission limitations may be established by the commissioner, provided the less restrictive limitations will guarantee the attainment and maintenance of the particulate ambient air quality standards established by 326 IAC 1-3. (*Air Pollution Control Board; 326 IAC 6.8-1-2*)

326 IAC 6.8-1-3 Compliance determination

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. Testing to determine the amount of particulate matter emitted from any facility subject to the requirements of this article shall be conducted in accordance with the procedures set forth in 40 CFR 60, Appendix A, Methods 1-5*, or other procedures approved by the commissioner and U.S. EPA.

*The following is incorporated by reference: 40 CFR 60, Appendix A, Methods 1-5. Copies may be obtained from the Government Printing Office, 732 North Capitol Street, Washington, D.C. 20401 and are available for review and copying at the Department of Environmental Management, Office of Air Quality, Room 1003, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6.8-1-3*)

326 IAC 6.8-1-4 Compliance schedules

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 4. (a) Unless the commissioner has determined that a performance test is not required for a facility, the owner or operator of a source shall submit to the commissioner the results of a performance test, conducted in accordance with section 3 of this rule, demonstrating compliance with the emissions limitations established under this article:

- (1) within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated; or
- (2) not later than one hundred eighty (180) days after the initial startup of the facility;

except when different compliance dates are established in a permit.

(b) If the emission limit applicable to a source or facility is made more stringent by reason of amendments to this article or by reason of amended permit requirements, then the source or facility shall achieve compliance as soon as practicable but not later than specified by the following schedule:

- (1) Submittal of plans and specifications within six (6) months after:
 - (A) the date the source becomes subject to the terms in this rule; or
 - (B) the effective date of the amended rule or permit imposing a stricter limit.

Whichever date is applicable to a particular source is hereafter referred to as the effective date.

- (2) Initiation of on-site construction or installation within twelve (12) months after the effective date.
- (3) Completion of on-site construction or installation within twenty-four (24) months after the effective date.
- (4) Achievement of compliance within twenty-eight (28) months after the effective date.
- (5) Submittal of performance results within thirty (30) months of

the effective date.

(*Air Pollution Control Board; 326 IAC 6.8-1-4*)

326 IAC 6.8-1-5 Control strategies

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 5. (a) For existing sources, the following shall apply:

(1) Whenever emission limitations set forth in 326 IAC 6.8-2 through 326 IAC 6.8-10 are revised and established under section 2(h) and 2(i) of this rule, the revisions shall be submitted to U.S. EPA for approval as part of Indiana's SIP.

(2) If a permit issued by the commissioner, under this article, contains emission limitations more stringent than the limitations set forth in 326 IAC 6.8-2 through 326 IAC 6.8-10, then the emission limitations set forth in the permit shall supersede and replace the corresponding limitations in 326 IAC 6.8-2 through 326 IAC 6.8-10.

(b) For new sources, emission limitations and any revisions to emission limitations shall be established as conditions in permits.

(c) Upon issuance, the above permits shall be submitted to U.S. EPA for review, and the emission limitations contained in the permits shall be submitted as SIP revisions.

(d) In 326 IAC 6.8-2 through 326 IAC 6.8-10, where there are two (2) emission limits listed for a particular source or facility, the source or facility shall be required to comply with both limits. (*Air Pollution Control Board; 326 IAC 6.8-1-5*)

326 IAC 6.8-1-6 State implementation plan revisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 6. Any exemptions given or provisions granted under this article by the commissioner in sections 2(a), 2(g) through 2(i), 4, and 5 of this rule shall be submitted to U.S. EPA as revisions to the SIP. (*Air Pollution Control Board; 326 IAC 6.8-1-6*)

326 IAC 6.8-1-7 Scope

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 7. This article shall contain control strategies and emission limitations for particulate emissions from sources in Lake County as follows:

326 IAC 6.8-2	PM ₁₀ Emission Requirements
326 IAC 6.8-3	Opacity Limits; Exceptions to 326 IAC 5-1-2
326 IAC 6.8-4	Opacity Limits; Test Methods
326 IAC 6.8-5	Opacity Continuous Emissions Monitors
326 IAC 6.8-6	Opacity Combustion Sources; Natural Gas
326 IAC 6.8-7	Site-Specific Control Requirements
326 IAC 6.8-8	Continuous Compliance Plan
326 IAC 6.8-9	PM ₁₀ Coke Battery Emission Requirements
326 IAC 6.8-10	Fugitive Particulate Matter
326 IAC 6.8-11	Particulate Matter Contingency Measures

(*Air Pollution Control Board; 326 IAC 6.8-1-7*)

Rule 2. Lake County: PM₁₀ Emission Requirements

326 IAC 6.8-2-1 General provisions and definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule and 326 IAC 6.8-3 through 326 IAC 6.8-8 apply to the sources, facilities, and operations in Lake County listed in sections 3 through 38 of this rule.

(b) The following definitions apply throughout this rule and 326 IAC 6.8-3 through 326 IAC 6.8-8:

- (1) "gr/dscf" means grains of particulate matter per dry standard cubic foot of exhaust air.
- (2) "lbs/hr" means pounds of particulate matter emissions emitted per one (1) sixty (60) minute period.
- (3) "lbs/MMBtu" means pounds of particulate matter emissions per million British thermal units heat input of fuels fired in the source, unless otherwise stated.
- (4) "lbs/ton" means pounds of particulate matter emissions per ton of product output from the particular facility, unless otherwise stated. Byproducts, which may be sold as product, shall not be included under the term "product".

(c) All emission limits in this rule and 326 IAC 6.8-3 through 326 IAC 6.8-8 shall be PM₁₀ limits, unless otherwise stated. (*Air Pollution Control Board; 326 IAC 6.8-2-1*)

<u>Source</u>	<u>Emission Limits (Units)</u>	<u>Emission Limits (lbs/hr)</u>
Sand kiln and cooler	0.636 lbs/ton	16.29
Sandheater mixing	0.520 lbs/ton	11.44
Electric induction furnaces (2 units)	0.104 lbs/ton	1.248
#2 tumblast with dust collector	0.145 lbs/ton of product	0.678
#3 tumblast with dust collector	0.145 lbs/ton of product	0.678
Shakeout dust collector	0.012 lbs/ton of prod	0.384

(*Air Pollution Control Board; 326 IAC 6.8-2-3*)

326 IAC 6.8-2-4 American Steel Foundry-Hammond

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 4. American Steel Foundry-Hammond in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Stack serving coil spring grinder numbers 3-0386 and 3-0389	1.083 lbs/ton	0.045
Stack serving coil spring grinder number 3-0244	0.021 lbs/ton	0.040
Tub grinder number 3-0388	0.015 lbs/ton	2.00
Coil spring grinder number 3-0247	0.019 lbs/ton	0.03
Coil spring grinder number 3-0249	3.792 lbs/ton	1.82
Coil spring grinders numbers 3-0385, 3-295, and 3-0233	0.019 lbs/ton	0.05
Shot blast peener number 3-1804	0.011 lbs/ton	0.06
Shot blast peener number 3-1811	0.018 lbs/ton	0.06
Shot blast peener number 3-1821	0.016 lbs/ton	0.06
Shot blast peener number 3-1823	0.016 lbs/ton	0.06
Small coil manufacturing (ESP number 3-3024)	0.014 lbs/ton	0.02
Medium coil manufacturing (ESP number 3-3027)	0.700 lbs/ton	2.10

326 IAC 6.8-2-2 Lake County: PM₁₀ and total suspended particulate emissions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 2. Sources located in Lake County and listed in sections 3 through 38 of this rule shall comply with the corresponding PM₁₀ and total suspended particulates (TSP) emission limitations and other requirements in this rule and 326 IAC 6.8-3 through 326 IAC 6.8-8 consistent with the provisions as applicable in 326 IAC 6.8-7. Each emission limit applies to one (1) stack serving one (1) facility unless otherwise noted. The emission limitations apply:

- (1) to one (1) stack serving the multiple units specified when the facility description notes "stack serving"; and
- (2) to each stack of multiple stacks serving multiple facilities when the facility description notes "each stack serving".

(*Air Pollution Control Board; 326 IAC 6.8-2-2*)

326 IAC 6.8-2-3 American Steel Foundries-East Chicago

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 3. American Steel Foundries-East Chicago in Lake County shall meet the following emission limits:

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Large coil manufacturing (ESP number 3-3028)	0.700 lbs/ton	3.50
Miscellaneous coil manufacturing (ESP number 3-3026)	0.700 lbs/ton	1.05

(Air Pollution Control Board; 326 IAC 6.8-2-4)

326 IAC 6.8-2-5 Associated Box

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 5. Associated Box in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (lbs/hr)</u>	<u>Emission Limit (Units)</u>
Wood chip fired space heating boiler	0.810 lbs/MMBtu	4.450

(Air Pollution Control Board; 326 IAC 6.8-2-5)

326 IAC 6.8-2-6 BP Products North American Inc.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 6. Amoco Oil, Whiting Refinery in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Number 1 CRU, F-101 feed preheater	0.004 lbs/MMBtu	0.267
Stack serving number 1 CRU, F-102, F-201, F-202 heaters	0.004 lbs/MMBtu	0.290
Stack serving number 1 power station, boiler numbers 1, 2, 3, and 4	0.016 lbs/MMBtu	15.809
Stack serving number 1 power station, boiler numbers 5, 6, 7, and 8	0.016 lbs/MMBtu	13.244
Stack serving number 11 pipe still furnaces H-101, H-102, H-103, H-104, coke preheaters	0.004 lbs/MMBtu	0.741
Number 11 pipe still, H-1X heater	0.031 lbs/MMBtu	6.867
Number 11 pipe still, H-2 vacuum heater	0.032 lbs/MMBtu	1.440
Number 11 pipe still, H-200 crude charge	0.032 lbs/MMBtu	7.866
Number 11 pipe still, H-3 vacuum heater	0.031 lbs/MMBtu	1.704
Number 11 pipe still, H-300 furnace	0.031 lbs/MMBtu	4.931
Stack serving number 12 pipe still, H-1A and H-1B preheaters and H-2 vacuum heater	0.025 lbs/MMBtu	16.348
Each stack serving number 12 pipe still, H-1CN and H-1CS crude preheater	0.004 lbs/MMBtu	0.444
Number 12 pipe still, H-1CX crude preheater	0.004 lbs/MMBtu	0.924
Number 2 isomerization, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 2 isomerization, H-1 feed heater furnace	0.004 lbs/MMBtu	0.704
Each stack serving number 3 power station, boiler numbers 1, 2, 3, 4, and 6	0.030 lbs/MMBtu	17.49
Number 3 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 3 ultraformer, H-1 feed heater furnace	0.004 lbs/MMBtu	0.852

Number 3 ultraformer, H-2 feed heater furnace	0.004 lbs/MMBtu	0.685
Number 3 ultraformer, waste heat recovery unit	0.004 lbs/MMBtu	1.537
Stack serving number 37 pipe still, B-1 feed preheater, B-2 wax fractioner	0.018 lbs/MMBtu	1.903
Stack serving number 4 ultraformer, F-1 ultrafiner furnace F-8A and F-8B reboilers	0.004 lbs/MMBtu	1.459
Number 4 ultraformer, F-2 preheater furnace	0.004 lbs/MMBtu	1.059
Number 4 ultraformer, F-3 number 1 reheat furnace	0.004 lbs/MMBtu	0.896
Stack serving number 4 ultraformer, F-4 number 2 reheat furnace, F-5 number 3 reheat furnace, and F-6 number 4 reheat furnace	0.004 lbs/MMBtu	1.060
Number 4 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.159
Aromatics recovery unit, F-200A furnace	0.004 lbs/MMBtu	0.924
Aromatics recovery unit, F-200B furnace	0.004 lbs/MMBtu	0.924
Blending oil desulphurization, F-401 furnace	0.004 lbs/MMBtu	0.130
Cat feed hydrotreating unit	0.004 lbs/MMBtu	0.246
F-1 Berry Lake distillate heater	0.004 lbs/MMBtu	0.048
F-2 Steiglitz Park residual heater	0.008 lbs/MMBtu	0.208
Stack serving heavy oils unit, H-101, H-201, H-202	0.004 lbs/MMBtu	0.030
NMP extraction unit, B-105 furnace	0.023 lbs/MMBtu	1.174
NMP extraction unit, B-106 furnace	0.004 lbs/MMBtu	0.352
Oil hydrotreating unit	0.004 lbs/MMBtu	0.059
Sulfur recovery unit incinerator	0.004 lbs/MMBtu	0.090
Asphalt oxidizer number 1	0.000 lbs/ton	0.000
Asphalt oxidizer number 2	0.000 lbs/ton	0.000
Asphalt oxidizer number 3	0.000 lbs/ton	0.000
Tail gas unit (new)	0.110 lbs/ton	0.103
Wastewater sludge fluid bed incinerator	0.173 lbs/ton based on 79,000 lbs/hr fluidizing air flow	6.84
FCU 500	1.220 lbs/1,000 lbs coke burned	73.20
FCU 600	1.10 lbs/1,000 lbs coke burned	55.00
DDU WB-301	0.004 lbs/MMBtu	0.250
DDU WB-302	0.004 lbs/MMBtu	0.240
Hydrogen unit B-1	0.009 lbs/MMBtu	3.340

(Air Pollution Control Board; 326 IAC 6.8-2-6)

326 IAC 6.8-2-7 Bucko Construction

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 7. Bucko Construction in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (lbs/hr)</u>	<u>Emission Limit (Units)</u>
Rotary dryer	0.017 lbs/hr	4.440

(Air Pollution Control Board; 326 IAC 6.8-2-7)

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326 IAC 6.8-2-8 Cerestar USA, Inc.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 8. Cerestar in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Stack Number</u>	<u>lbs/hr</u>	<u>gr/dscf</u>
Stack serving boiler numbers 6 and 7	10-03-U-P and 10-04-U-P	30.3	
Stack serving boiler numbers 8 and 10	10-05-U-P and 10-06- U-P	22.7	
Activated carbon regenerating furnace	15G-01-R-F	0.34	0.01
Bulk carbon/bulk filter aid system	17-03-R-P	0.06	0.01
Corn syrup solids dust collection system number 2	18-03-R-P	0.30	0.01
Special starch (P. G.) manufacturing equipment system number 1	18-06-S-P	0.17	0.01
Special starch (P. G.) manufacturing equipment system number 2	18-07-S-P	0.084	0.01
Special starch (P. G.) manufacturing equipment system number 3C (½ system number 3)	18-08-S-P	0.12	0.01
Special starch (P. G.) manufacturing equipment system number 3D (½ system number 3)	18-09-S-P	0.12	0.01
Gluten ring dryer #1	19-03-G-P	4.76	0.015
Receiver for first stage germ dryer	21A-01-G-P	0.12	0.015
First stage germ dryer exhaust	21A-02-G-P	0.67	0.01
Equipment conveying corn dirt to dirt storage silo	30-16-G-P	0.06	0.01
Waxy feed conveyor system	31-02-G	0.27	0.01
Finished gluten conveying system (Tank 2 or 3)	31-10-G-P or 31-11-G-P	0.19	0.02
Gluten receiver	31-13-G (3/95)	0.23	0.02
Germ storage silo	31-14-G (10/95)	0.097	0.01
Corn receiving and storage-bin vent #5	33-01-G (12/95)	0.171	0.02
Corn receiving and storage-bin vent #6	33-02-G (12/95)	0.171	0.02
Corn cleaner	33-03-G (12/95)	0.21	0.01
Dextrin incoming starch, building 34	34-01-S-P	0.04	0.01
Dextrin starch reactor #1	34-02-S-P	0.180	0.01
Dextrin starch cooler #1	34-03-S-P	0.042	0.01
Dextrin storage hopper, building 34	34-05-S-P	0.11	0.01
Dextrin feed hoppers: 1 and 2 (System 1)	34-06-S and 34-07-S (12/92)	0.030	0.01
Dextrin air lock feeder	34B-01-S (10/93)	0.042	0.01
Dextrin starch cooler	34B-03-S (10/93)	0.114	0.01
Dextrin storage hopper	34B-04-S (10/93)	0.179	0.01
Dextrin starch reactor #2	34B-05-S and 34B-06-S (10/93)	0.030	0.01
Dextrin feed hoppers: 3 and 4 (System 2) #1 and #2 Dextrin air lock feeder	34B-13-S (10/93)	0.067	0.01
Dextrin incoming starch batch scale hopper No. 2	35-05-G	0.568	0.01
Feed receiver	48-09-S-P	0.26	0.01
Dextrin bulk loading equipment	51A-01-G-P	0.19	0.02
Receiver for second stage germ dryer	51A-02-G-P	1.01	0.015
Second stage germ dryer exhaust	52-02-S-P	0.20	0.01
Sulfate bag dumping	59-01-S-P	0.43	0.01
Starch milling system number 1	59-02-S-P	0.43	0.01
Starch milling system number 2	59-03-S-P	3.50	0.006
Stack serving starch bulk loading equipment (receiver)	76-02-S-P	0.17	0.01
Stack serving starch bulk loading equipment (railcar loading)	76-03-S-P	0.17	0.01
Stack serving special starch (P.G.) manufacturing equipment system	85-01-S-P	0.24	0.01

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Fiber drying equipment	89-01-G (10/95)	4.50	0.01
Wet fiber cyclone receiver	89-02-G (10/95)	0.178	0.01
Rotary feed dryer	89-03-G (10/95)	4.5	0.03
Milled feed hopper	89-04-G (10/95)	0.50	0.01
Feed pelletizing B	91-14-G-P	2.10	0.015
Feed pelletizing C	91-15-G-P	2.10	0.015
Feed pelletizing D	91-16-G-P	0.23	0.01
Starch conveying system number 46	93-01-W-P	0.17	0.01
Starch conveying system 47	93-02-W-P	0.17	0.02
Dextrin conveying system 48	93-03-W-P	0.17	0.01
Dried corn syrup conveying system, frodex	93-04-W-P	0.069	0.01
Corn syrup solids conveyor equipment	93-05-W-P	0.066	0.01
Stack serving starch packing systems number 1 and 2, building 93 (43 and 44)	93-06-W-P and 93-07-W-P	0.23	0.01
Frodex semibulk packing system, building 93	93-08-W-P	0.083	0.01
Each stack serving bag dump numbers 1 and 2	93-09-W-P and 93-10-W-P	0.10	0.01
Starch bulk loading	93-14-W (2/93)	0.273	0.01
Starch vacuum clean-up system	93-15-W (2/93)	0.021	0.01
Starch mixing and bagging system #1	93-16-W (5/95)	0.130	0.01
Starch mixing and bagging system #2	93-17-W (5/95)	0.264	0.01
New corn syrup spray dryer cooler system number 3 (SIP #2)	100-01-R-P	4.96	0.015
#4 corn syrup spray dryer	100-03-R (93)	4.2	0.01
Carbon regeneration furnace #2	104-01-R (2/96)	0.728	0.015
Soda ash tank	104-02-R (2/96)	0.154	0.02
Filter aid hopper	104-03-R (2/96)	0.044	0.02
Sodium bisulfate bag dump	104-05-R (2/96)	0.080	0.02
Each stack serving bulk corn starch storage bin numbers 20 through 36 (five (5) stacks may operate at one (1) time)	120-01-S-P to 120-17- S-P	0.56	0.01
Gluten dryer system	121-01-G (3/95)	3.0	0.03
Waxy feed drum dryer scrubber	124-01-G-P	11.12	0.03
Waxy feed milling equipment	124-22-G-P	0.051	0.01
Germ dryer/cooler	124A-01-G (11/94)	1.852	0.02
Starch ring dryer number 3	125-01-S-P	3.50	0.006
Waxy bulk cornstarch storage bins numbers 95 through 98 (only one (1) may operate at a time)	126-01-S-P to 126-04- S-P	0.16	0.01
BCD dryer, building 127	127-01-B-P	0.57	0.01
#1 and #2 vacuum cleaner system	127-21-B and 127-22- B (5/93)	0.031	0.01
#1 and #2 BCD storage hopper	127-23-B and 127-24- B (5/93)	0.18	0.01
BCD mill feeder hopper	127-25-B (5/93)	0.028	0.01
BCD packing hopper	127-26-B (5/93)	0.005	0.01
Special starch process with starch dryer number 4, building 128	128-01-S-P	3.5	0.01
Four products blending systems, building 93	130-01-S-P to 130-04- S-P	0.42	0.01
Dextrin blender	130-05-S (7/93)	0.248	0.01
Corn receiving and storage-bin vent #1 and #2	140-01-G and 140-02- G (12/95)	0.343	0.02
Corn receiving and storage-bin vent #3 and #4	140-03-G and 140-04- G (12/95)	0.343	0.02
Corn dump pit	140-05-G (12/95)	1.286	0.01
Corn scale system	140-06-G (12/95)	0.154	0.01
Corn elevator conveying	140-07-G (12/95)	0.086	0.01

(Air Pollution Control Board; 326 IAC 6.8-2-8)

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326 IAC 6.8-2-9 E. I. Dupont

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 9. E. I. Dupont in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Sodium silicate furnace <i>(Air Pollution Control Board; 326 IAC 6.8-2-9)</i>	1.439 lbs/ton	6.0

326 IAC 6.8-2-10 General Refractory

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 10. General Refractory in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Ball milling storage	0.041 lbs/ton	0.410
Crushing and sizing	0.012 lbs/ton	0.460
Material handling system	0.003 lbs/ton	0.220
Material loading	0.006 lbs/ton	0.150
Material weighing	0.064 lbs/ton	0.350
Mixing and packaging	0.354 lbs/ton	2.480
Sizing, conveying, and storage	0.029 lbs/ton	0.580

(Air Pollution Control Board; 326 IAC 6.8-2-10)

326 IAC 6.8-2-11 Georgia Pacific

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 11. Georgia Pacific in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Boiler number 1 <i>(Air Pollution Control Board; 326 IAC 6.8-2-11)</i>	0.129 lbs/MMBtu	9.380

326 IAC 6.8-2-12 Globe Industries

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 12. Globe Industries in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Stack serving asphalt saturators (2 units) <i>(Air Pollution Control Board; 326 IAC 6.8-2-12)</i>	0.060 lbs/ton of product	4.500

326 IAC 6.8-2-13 Hammond Group Inc. (HGI)

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 13. Hammond Group Inc. (HGI) in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Stack 17-S-40	0.030 gr/dscf	2.120
Stack 20-S-36	0.022 gr/dscf	0.395
Stack 20-S-41	0.022 gr/dscf	0.450
Stack 20-S-37	0.022 gr/dscf	0.200

Stack 20-S-38	0.022 gr/dscf	0.087
Stack 17-S-25	0.030 gr/dscf	2.120
Stack 20-S-42	0.022 gr/dscf	0.200
Stack 20-S-43	0.022 gr/dscf	0.087
Stack 20-S-39	0.022 gr/dscf	0.496
Stack 20-S-44	0.022 gr/dscf	0.496
Stack 13-S-48	0.022 gr/dscf	0.471
Stack 14-S-45	0.022 gr/dscf	0.471

(Air Pollution Control Board; 326 IAC 6.8-2-13)

326 IAC 6.8-2-14 Hammond Group Inc.-Halstab Division

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 14. Hammond Group Inc.-Halstab Division in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Stack S-1	0.022 gr/dscf	0.220
Stack S-2	0.022 gr/dscf	0.080
Stack S-4	0.022 gr/dscf	1.460
Stack S-5	0.022 gr/dscf	1.030
Stacks S-6, S-7, and S-8, each stack	0.022 gr/dscf	0.570
Stacks S-9, S-10, S-11, S-12, S-13, S-14, S-15, and S-16, each stack	0.022 gr/dscf	0.200
Stack S-17	0.022 gr/dscf	1.990

(Air Pollution Control Board; 326 IAC 6.8-2-14)

326 IAC 6.8-2-15 Hammond Group Inc. (HGI)

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 15. Hammond Group Inc. (HGI) in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limits (Units)</u>	<u>Emission Limits (lbs/hr)</u>
Stack 1-S-54	0.0 gr/dscf	0.000
Stack 4A-S-8	0.022 gr/dscf	0.250
Stack 14-S-16	0.022 gr/dscf	0.250
Stack 1-S-2	0.022 gr/dscf	0.250
Stack 1-S-26	0.022 gr/dscf	0.250
Stack 16-S-56	0.022 gr/dscf	1.000
Stack 1-S-52	0.022 gr/dscf	1.000
Stack 1-S-27	0.022 gr/dscf	0.290
Stack 4-S-35	0.022 gr/dscf	0.570
Stack 6-S-33	0.022 gr/dscf	0.900
Stack 4B-S-34	0.022 gr/dscf	0.400
Stack 6-S-47	0.022 gr/dscf	0.400
V-1	0.022 gr/dscf	1.000
Stack 14-S-15	0.022 gr/dscf	0.320

(Air Pollution Control Board; 326 IAC 6.8-2-15)

326 IAC 6.8-2-16 Harbison Walker Refractories, Hammond Works

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 16. Harbison Walker Refractories, Hammond Works in Lake County shall meet the following emission limits:

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<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3)	1.36 lbs/ton	4.50
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3) if only one kiln is in operation	1.36 lbs/ton	8.40
Lanley oven (S-7)	0.210 lbs/ton	0.840
Basic dryer (stack 8)	0.916 lbs/ton	3.020
Chrome ore crushing (D-9)	0.024 lbs/ton	0.490
Chrome ore rotary dryer (D-10)	0.032 lbs/ton	0.640
Chrome ore handling (D-11) and storage	0.020 lbs/ton	0.410
Chrome ore screening (D-12) and milling	0.078 lbs/ton	1.240
Chrome ore finished (D-13) material handling and storage	0.044 lbs/ton	0.700
Magnesite unloading and crushing (D-18)	0.017 lbs/ton	0.580
Magnesite material handling and storage (D-2)	0.012 lbs/ton	0.410
Magnesite screening and milling (D-8)	0.051 lbs/ton	1.280
Specialty magnesite handling system (D-16)	0.097 lbs/ton	0.260
Magnesite chrome ore mixer number 3 (D-6)	0.033 lbs/ton	0.230
Magnesite chrome ore mixer number 2 and flat mixer (D-5)	0.033 lbs/ton	0.460
Magnesite chrome ore mixer number 1 (D-4)	0.033 lbs/ton	0.230
Magnesite carbon mixers (D-7)	0.054 lbs/ton	0.460
Magnesite smooth roll crusher system (D-15)	0.067 lbs/ton	0.500
Magnesite auxiliary milling system (D-14)	0.086 lbs/ton	0.170

(Air Pollution Control Board; 326 IAC 6.8-2-16)

326 IAC 6.8-2-17 Inland Steel

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 17. Inland Steel in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Number 4 slab mill scarfer	0.039 lbs/ton	21.97
Number 2A bloomer scarfer	0.107 lbs/ton	10.70
Mold foundry baghouse	0.011 gr/dscf	26.00
Sinter plant discharge end and cooler baghouse	0.01 gr/dscf TSP	11.70 TSP
Sinter plant windbox baghouse	0.007 gr/dscf TSP	17.00 TSP
Lime plant silo baghouses	0.085 lbs/ton	5.530
Lime plant firing and kiln baghouses	0.110 lbs/ton	7.149
Number 4 roll shop erwin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4 roll shop wheelabrator baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 4A roll shop erwin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4A roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 2 roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.270 TSP
Number 6 roll shop roll blaster/baghouse	0.0052 gr/dscf TSP	0.200 TSP
Electric shop blasters/baghouses	0.0052 gr/dscf TSP	1.070 TSP
Number 11 coke battery preheaters (2 units)	0.00	0.00
Number 11 coke battery shed baghouse	0.00	0.00
Number 6 coke battery underfire stack	0.00	0.00
Number 7 coke battery underfire stack	0.00	0.00
Number 8 coke battery underfire stack	0.00	0.00
Number 9 coke battery underfire stack	0.00	0.00
Number 10 coke battery underfire stack	0.00	0.00
Number 11 coke battery underfire stack	0.00	0.00
Number 7B blast furnace canopy baghouse	0.003 gr/dscf	11.22
Number 7 blast furnace stockhouse pellet baghouse	0.0052 gr/dscf	4.00
Number 7 blast furnace casthouse baghouse	0.011 gr/dscf TSP	22.00 TSP

Number 7 blast furnace coke screening baghouse	0.007 gr/dscf TSP	4.200 TSP
Number 7 blast furnace stockhouse coke baghouse	0.01 gr/dscf TSP	2.00 TSP
Number 1 blast furnace stoves (4 units)	0.000	0.000
Number 2 blast furnace stoves (4 units)	0.000	0.000
Number 2 basic oxygen furnace number 10 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace number 20 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace caster fume collection baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace ladle metallurgical station baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace secondary ventilation system scrubber	0.015 gr/dscf TSP	12.00 TSP
Number 2 basic oxygen furnace tundish dump baghouse	0.0052 gr/dscf TSP	2.200 TSP
Number 2 basic oxygen furnace charging aisle reladling and desulfurization baghouse	0.011 gr/dscf TSP	28.30 TSP
Number 2 basic oxygen furnace truck and ladle hopper baghouse	0.0052 gr/dscf TSP	0.800 TSP
Number 2 basic oxygen furnace flux storage and batch baghouse	0.0052 gr/dscf TSP	0.530 TSP
Number 4 basic oxygen furnace reladling and desulfurization baghouse	0.0052 gr/dscf TSP	8.26 TSP
Number 4 basic oxygen furnace scrubber stack (steelmaking)	0.187 lbs/ton TSP	100.00 TSP
Number 4 basic oxygen furnace vacuum degassing baghouse	0.01 gr/dscf TSP	4.280 TSP
Number 4 basic oxygen furnace secondary ventilation system baghouse	0.006 gr/dscf TSP	22.30 TSP
Stack serving blast furnace stove, number 5 (3 units)	0.016 lbs/MMBtu	4.70
Stack serving blast furnace stove, number 6 (4 units)	0.016 lbs/MMBtu	3.64
Stack serving blast furnace stove, number 7 (3 units)	0.0076 lbs/MMBtu	6.32
Stack serving "A" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
Stack serving "B" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
100 inch plate mill reheat furnace	0.078 lbs/MMBtu	13.74
Number 2 bloom mill soaking pit, numbers 1 through 4	0.000	0.000
Number 2 bloom mill soaking pit numbers 5 through 16 collective	0.000	0.000
Number 2 bloom mill soaking pit numbers 19 through 20 collective	0.000	0.000
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.006 lbs/MMBtu	1.750
Stack serving number 2AC station boiler numbers 207 through 210	0.000	0.000
Stack serving number 2AC station boiler numbers 211 through 213	0.018 lbs/MMBtu	16.20
Stack serving number 3AC station boiler numbers 301 through 304	0.018 lbs/MMBtu	16.20
Number 3AC station boiler number 305	0.018 lbs/MMBtu	5.400
Stack serving number 4AC station boiler number 401 through 404	0.042 lbs/MMBtu	76.578
Number 4AC station boiler number 405	0.028 lbs/MMBtu	18.78
Stack serving number 5 boiler house (3 units)	0.013 lbs/MMBtu	18.05
Electric arc furnace shop direct shell evacuation system baghouse roof monitor	0.0052 gr/dscf	17.14
Electric arc furnace shop ladle metallurgical station baghouse	0.01 gr/dscf	0.820
Coal conveyor transfer baghouse A	0.003 gr/dscf	0.17
Blending system baghouse B	0.003 gr/dscf	0.54
Coal storage bin baghouse C	0.003 gr/dscf	0.23
Coal pulverizer baghouse D	0.0015 gr/dscf	0.93
Coal pulverizer baghouse E	0.0015 gr/dscf	0.93
Number 7 blast furnace coal storage bin baghouse F	0.003 gr/dscf	0.09
Number 7 blast furnace coal storage bin baghouse G	0.003 gr/dscf	0.09
Numbers 5 and 6 blast furnace coal storage bin baghouse H	0.003 gr/dscf	0.09

(Air Pollution Control Board; 326 IAC 6.8-2-17)

326 IAC 6.8-2-18 Jupiter Aluminum Corporation

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 18. Jupiter Aluminum Corporation in Lake County shall meet the following emission limits:

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<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Reverberatory furnace number 10	.060 lbs/ton	0.970
Reverberatory furnace number 20	.142 lbs/ton	0.430
Reverberatory furnace number 30	.145 lbs/ton	0.510
Reverberatory furnace number 40	.145 lbs/ton	0.510
Reverberatory furnace number 50	.130 lbs/ton	1.137

(Air Pollution Control Board; 326 IAC 6.8-2-18)

326 IAC 6.8-2-19 Keil Chemical-Division of Ferro Corporation

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 19. Keil Chemical-Division of Ferro Corporation in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Unit)</u>	<u>Emission Limit (lb/hr)</u>
Cleaver Brooks boiler B-4	0.007 lbs/MMBtu	0.09
Cleaver Brooks boiler B-5	0.007 lbs/MMBtu	0.14
VA power B-3 boiler	0.007 lbs/MMBtu	0.04
Chlorinated wax process	0.001 lbs/ton	0.003
Pyro-chek 68PB1	0.052 lbs/ton	0.030
Pyro-chek 77PB2	0.122 lbs/ton	0.040
Sulfurized fat process	0.157 lbs/ton	0.230

(Air Pollution Control Board; 326 IAC 6.8-2-19)

326 IAC 6.8-2-20 LaSalle Steel Company

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 20. LaSalle Steel Company in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Fume scrubber	0.015 lbs/ton	0.060
Number 11 furnace precipitator	0.548 lbs/ton	0.940
Stack serving shot blast baghouse (2 units)	0.001 lbs/ton	0.020

(Air Pollution Control Board; 326 IAC 6.8-2-20)

326 IAC 6.8-2-21 LTV Steel Corporation

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 21. LTV Steel Corporation in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Stack serving number 3 blast furnace stoves	0.027 lbs/MMBtu	11.73
Stack serving number 4 blast furnace stoves	0.027 lbs/MMBtu	12.93
Stack serving hot strip mill slab heat furnace numbers 1, 2, and 3	0.086 lbs/MMBtu	36.56
Utility boiler number 3	0.066 lbs/MMBtu	12.85
Utility boiler number 4	0.066 lbs/MMBtu	12.85
Utility boiler number 5	0.066 lbs/MMBtu	25.69
Utility boiler number 6	0.066 lbs/MMBtu	25.69
Utility boiler number 7	0.066 lbs/MMBtu	25.69
Utility boiler number 8	0.066 lbs/MMBtu	61.59
Basic oxygen furnace main stack	0.018 gr/dscf	69.40
Reladling and desulfurization baghouse	0.008 gr/dscf	10.49
Ladle metallurgical station baghouse	0.004 gr/dscf	3.630

Sinter plant breaker discharge end	0.02 gr/dscf TSP	18.05 TSP
Sinter plant windbox stack 08	0.02 gr/dscf TSP	49.70 TSP

(Air Pollution Control Board; 326 IAC 6.8-2-21)

326 IAC 6.8-2-22 Marblehead Lime Company

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 22. Marblehead Lime Company in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Flue dust loadout number 1 (MHL 14)	0.003 lbs/ton	0.110
Flue dust loadout number 2 (MHL 15)	0.003 lbs/ton	0.100
Lime grinder (MHL 13)	0.015 lbs/ton	0.440
Lime handling baghouse number 1 (MHL 6)	0.002 lbs/ton	0.260
Lime handling baghouse number 2 (MHL 7)	0.002 lbs/ton	0.180
Lime handling baghouse number 3 (MHL 8)	0.0004 lbs/ton	0.050
Lime handling baghouse number 4 (MHL 9)	0.001 lbs/ton	0.130
Lime loadout baghouse number 1 (MHL 10)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 2 (MHL 11)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 3 (MHL 12)	0.004 lbs/ton	0.410
Lime rotary kiln number 1	0.478 lbs/ton	9.950
Lime rotary kiln number 2	0.478 lbs/ton	9.950
Lime rotary kiln number 3	0.478 lbs/ton	9.950
Lime rotary kiln number 4	0.478 lbs/ton	9.950
Lime rotary kiln number 5	0.478 lbs/ton	9.950

(Air Pollution Control Board; 326 IAC 6.8-2-22)

326 IAC 6.8-2-23 Marport Smelting

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 23. Marport Smelting in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
North baghouse	0.601 lbs/ton	2.300
South baghouse	1.279 lbs/ton	4.900

(Air Pollution Control Board; 326 IAC 6.8-2-23)

326 IAC 6.8-2-24 Methodist Hospital

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 24. Methodist Hospital in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Boiler number 1	0.044 lbs/MMBtu	0.350

(Air Pollution Control Board; 326 IAC 6.8-2-24)

326 IAC 6.8-2-25 National Recovery Systems

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 25. National Recovery Systems in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Drying system	0.203 lbs/ton	4.060

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Material storage handling	0.034 lbs/ton	0.680
Each stack serving lime fines storage silos (2 stacks)	0.001 lbs/ton	0.012

(Air Pollution Control Board; 326 IAC 6.8-2-25)

326 IAC 6.8-2-26 NIPSCo-Mitchell

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 26. (a) NIPSCo-Mitchell in Lake County shall meet the following requirements and emission limits for boiler numbers 4, 5, 6, and 11:

(1) Operation under either subdivision (2)(B) or (2)(C) shall only be allowed provided that a nozzle is in the stack serving boiler numbers 4 and 5 such that the stack diameter is restricted to eight and three-tenths (8.3) feet.

(2) NIPSCo may operate under any one (1) of the following scenarios:

(A) Boiler numbers 4, 5, 6, and 11 may operate simultaneously under the following conditions:

(i) One (1) of boiler number 4 or 5 may operate on coal if the other boiler is operated on natural gas or is not operating. Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth (0.1) pound per million Btu and one hundred twenty-eight and seventy-five hundredths (128.75) pounds per hour.

(ii) Boiler numbers 6 and 11 may operate simultaneously on coal. Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth (0.1) pound per million Btu and two hundred thirty-six (236.0) pounds per hour.

(B) Boiler numbers 4, 5, 6, and 11 may operate simultaneously on coal subject to the following conditions:

(i) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred eighty-five (185.0) pounds per hour.

(ii) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred seventy-five (175.0) pounds per hour.

(C) One (1) set of either boiler numbers 4 and 5 or 6 and 11 may operate on coal, if the other set is not operating, subject to the following conditions:

(i) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth (0.1) pound per million Btu and two hundred fifty (250.0) pounds per hour.

(ii) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth (0.1) pound per million Btu and two hundred thirty-six (236) pounds per hour.

Source

Cylinder paint spray booth, stack 033
 Drum + shotblaster and baghouse, stack 075
 Drum paint spray booth, stack 073
 Cylinder shotblaster number 2 baghouse, stack 030
 Generators, numbers 1 through 6
 Cylinder shotblaster number 1 baghouse, stack 031

(Air Pollution Control Board; 326 IAC 6.8-2-27)

(3) NIPSCo shall maintain a daily log of the following for boiler numbers 4, 5, 6, and 11:

(A) Fuel type.

(B) Transition time of changes between or within operating scenarios.

The log shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(4) Emission limits shall be maintained during transition periods within or between operating scenarios.

(b) On May 13, 1999, biennial stack testing shall be conducted in the stack serving boiler numbers 4 and 5 and in the stack serving boiler numbers 6 and 11 meeting the following conditions:

(1) Stack testing shall begin within sixty (60) days and be completed within ninety (90) days of the initial use of the operating scenario specified in subsection (a)(2)(B). Particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to seventh-four thousandths (0.074) pound per million Btu.

(2) After the initial stack test specified in subdivision (1), NIPSCo may use the operating scenario specified in subsection (a)(2)(B) if in the previous biennial stack test particulate emissions from boiler numbers 4, 5, 6, and 11 met the emission limitation of seventy-four thousandths (0.074) pound per million Btu.

(3) If the operating scenario specified in subsection (a)(2)(B) has not been used since the previous biennial stack test specified in this subdivision then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

(4) If the operating scenario specified in subsection (a)(2)(B) has been utilized since the previous biennial stack test specified in this subdivision and NIPSCo no longer has the ability to operate the boilers as specified in subsection (a)(2)(B), then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

All emissions testing shall be conducted in accordance with the procedures specified in 326 IAC 3-6. Records of stack test data shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request. (Air Pollution Control Board; 326 IAC 6.8-2-26)

326 IAC 6.8-2-27 Praxair

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 27. Praxair in Lake County shall meet the following emission limits:

<u>Emission Limit (Unit)</u>	<u>Emission Limit (lb/hr)</u>
42.5 lbs/ton	0.340
0.002 gr/dscf	0.028
42.5 lbs/ton	0.340
0.004 gr/dscf	0.042
0.008 lbs/MMBtu	0.279
0.002 gr/dscf	0.020

326 IAC 6.8-2-28 Premier Candy Company
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 28. Premier Candy Company in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Boiler number 1 (North)	0.069 lbs/MMBtu	0.420
Boiler number 2 (South)	0.069 lbs/MMBtu	0.450

(Air Pollution Control Board; 326 IAC 6.8-2-28)

326 IAC 6.8-2-29 Reed Minerals Plant #14
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 29. Reed Minerals Plant #14 in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
Fluidized bed dryer	0.015 gr/dscf	3.5
Crushing and screening	0.015 gr/dscf	9.0

(Air Pollution Control Board; 326 IAC 6.8-2-29)

326 IAC 6.8-2-30 Rhodia, Inc.
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 30. Rhodia, Inc., in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limits (Units)</u>	<u>Emission Limits (lbs/hr)</u>
Package boiler	0.007 lbs/MMBtu	0.755
Preheater	0.007 lbs/MMBtu	0.230
Sulfuric acid production unit number 4	0.150 lbs/ton acid produced	6.958 acid mist

(Air Pollution Control Board; 326 IAC 6.8-2-30)

326 IAC 6.8-2-31 Silgan Containers Manufacturing
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 31. Silgan Containers Manufacturing in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Stack serving incinerators (3 units)	0.007 lbs/MMBtu	0.310
Coil coater	0.007 lbs/MMBtu	0.290

(Air Pollution Control Board; 326 IAC 6.8-2-31)

326 IAC 6.8-2-32 Smith Ready Mix
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 32. Smith Ready Mix in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Central mix	0.0013 lbs/ton	0.350

(Air Pollution Control Board; 326 IAC 6.8-2-32)

326 IAC 6.8-2-33 State Line Energy, LLC
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 33. State Line Energy, LLC in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Unit 3	0.100 lbs/MMBtu	213.00
Unit 4	0.100 lbs/MMBtu	356.80

(Air Pollution Control Board; 326 IAC 6.8-2-33)

326 IAC 6.8-2-34 The Chinnet Company
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 34. The Chinnet Company in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Molded pulp dryer number 1	0.546 lbs/ton	0.210
Molded pulp dryer number 2	0.546 lbs/ton	0.250
Molded pulp dryer number 3	0.546 lbs/ton	0.290
Molded pulp dryer number 4	0.546 lbs/ton	0.290
Molded pulp dryer number 5	0.546 lbs/ton	0.130
Molded pulp dryer number 6	0.546 lbs/ton	0.130
Molded pulp dryer number K34	0.546 lbs/ton	0.130
Molded pulp dryer number 8	0.546 lbs/ton	0.350
Molded pulp dryer number 9	0.546 lbs/ton	0.410
Molded pulp dryer number 10	0.546 lbs/ton	0.350
Babcock and Wilcox boiler	0.007 lbs/MMBtu	0.050

(Air Pollution Control Board; 326 IAC 6.8-2-34)

326 IAC 6.8-2-35 Unilever HPC, USA
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

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Sec. 35. Unilever HPC, USA in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Boiler house, building number 8, boiler number 2	0.116 lbs/MMBtu	9.570
Stack serving boiler house, building number 8, boiler numbers 3 and 4	0.116 lbs/MMBtu	18.88
Dowtherm boiler, DEFI process building 6	0.004 lbs/MMBtu	2.700
Milling and pelletizer soap dust collection system (DC-1), building number 15	0.020 gr/dscf	1.03
Powder dye dust collector system (DC-4), building number 15	0.020 gr/dscf	0.130
Schenble wet scrubber and demister collector system, building number 15	0.030 gr/dscf	1.030
Each stack serving detergent bar soap noodle bins numbers 1, 2, and 3 dust collection system (DC-5, DC-6, and DC-7)	0.020 gr/dscf	0.210
Stack serving chip mixers numbers 1, 2, and 3 soap dust collection system, building number 15 (DC-8, DC-9, and DC-10)	0.020 gr/dscf	0.720
Rework soap dust collection system (DC-3), building number 15	0.020 gr/dscf	0.800
Three chill rolls and apron conveyors (DC-2), building number 15	0.020 gr/dscf	1.090
High titer granules and chips manufacturing process, building number 6	0.930 lbs/ton	3.500
Detergent bar soap manufacturing process number 1, stack 7, building number 6	1.140 lbs/ton	4.000
Detergent bar soap manufacturing process number 2, stack 16A, building number 6	1.140 lbs/ton	4.000
Bulk filtrol unloading bleached earth dust collection system, building number 1	0.020 gr/dscf	0.070
Oil refinery/filter aid bag dumping operation, building number 1	0.020 gr/dscf	0.220
3 soap dryers dust collection system, building number 14	0.020 gr/dscf	0.120
6 noodle bins and 1 scrap kettle dust collection system, building number 3	0.020 gr/dscf	0.860
Dust collector system for soap rework grinding process, building number 14	0.020 gr/dscf	0.250
Stack serving hard soap finishing lines numbers 1, 2, 3, 5, 7, and 8 dust collection system (DC), building number 14	0.020 gr/dscf	1.540
Sulfonation process	0.205 lbs/ton	0.390
Soap dryer cleanout system, tank number 1, building number 14	0.030 gr/dscf	0.390
Soap dryer cleanout system, tank number 2, building number 14	0.030 gr/dscf	0.300
Crude glycerine filter aid dust collection system, building number 2	0.020 gr/dscf	0.130
Glycerine carbon handling dust collection system, building number 2	0.020 gr/dscf	0.170

Bulk urea handling system, new detergent bulk soap, building number 15A	0.020 gr/dscf	0.100
American hydrotherm boiler 2, stack 1A, building number 15A	0.150 lbs/MMBtu	1.830
Schenible wet scrubber and demister collection system, stack 2A, building number 15A	0.030 gr/dscf	1.030
Flex Kleen dust collection system DC-1053, stack 3A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1054, stack 4A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1055, stack 5A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1056, stack 6A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1050, stack 7A, building number 15A	0.020 gr/dscf	2.130
Flex Kleen dust collection system DC-1052, stack 8A, building number 15A	0.020 gr/dscf	2.130
Bulk Borax unloading to storage silo, stack 9A, building number 8	0.020 gr/dscf	0.130
Oil refinery/filter aid mixing tank number 44, building number 1, stack 15A	0.060 lbs/ton	0.030
Sample detergent bar soap line operation, building 14, stack 17A	0.002 lbs/ton	0.002

(Air Pollution Control Board; 326 IAC 6.8-2-35)

326 IAC 6.8-2-36 Union Tank Car Company

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 36. Union Tank Car Company in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Grit blaster	0.01 gr/dscf	9.9

(Air Pollution Control Board; 326 IAC 6.8-2-36)

326 IAC 6.8-2-37 U.S. Gypsum

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 37. U.S. Gypsum Company in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Raw material handling		
Rail car unloading, stack J10	0.010 gr/dscf	0.070
Each stack serving raw material conveying and storage, stacks J11, J12, and J13	0.015 gr/dscf	0.190
Rock handling process		
Drying, grinding, and calcining, stack M1	0.012 gr/dscf	3.210
Stucco elevating and conveying, stack M2	0.015 gr/dscf	2.210
Franklin fiber process, stack M6	0.011 gr/dscf	0.313
Wallboard manufacturing process		
Paper grinding and stucco system, stack B1	0.020 gr/dscf	2.230

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Wallboard end sawing, stack B2	0.020 gr/dscf	0.860
Speciality board manufacturing process (kerfing), stack B3	0.020 gr/dscf	0.260
Each stack serving ready mix process, stacks J1, J2, and J3	0.017 lbs/ton	0.100
Dry texture paint process		
Mixing and packing, stack J4	0.020 gr/dscf	0.190
Bag dumping, stack J5	0.010 gr/dscf	0.100
Dry additive conveying, stack J6	0.010 gr/dscf	0.030
Dry joint compound process		
Mixing and packing, stack J7	0.020 gr/dscf	0.340
Additive air conveying, stack J8	0.010 gr/dscf	0.34
Panel saw process	0.020 gr/dscf	0.140

(Air Pollution Control Board; 326 IAC 6.8-2-37)

326 IAC 6.8-2-38 USS-Gary Works

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 38. USS-Gary Works in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Coke battery #2 precarbonization system electrostatic precipitators	not applicable	62.5 (total)
Coke battery #3 precarbonization system electrostatic precipitators	not applicable	62.5 (total)
Number 3 sinter plant coolers	0.0300 gr/dscfm	272.57 (total)
Number 3 sinter plant discharge area baghouses	0.0100 gr/dscfm	20.57 (total)
Number 3 sinter plant sinter screening station baghouse	0.0100 gr/dscfm	10.89
Number 3 sinter plant storage bins building baghouse	0.0100 gr/dscfm	0.43
Number 3 sinter plant windbox stacks	0.020 gr/dscfm	200 (total)
Number 4 boiler house boilers when three boilers are operating	0.036 lbs/MMBtu	54.1 (total)
Number 4 boiler house boilers when one or two boilers are operating	0.054 lbs/MMBtu	54.1 (total)
Plate mill batch reheat furnaces nos. 6 and 8	0.009 lbs/MMBtu	0.070 (total)
Plate mill continuous reheat furnaces 1 and 2	0.009 lbs/MMBtu	3.72 (total)
84" hot strip mill reheat furnaces nos. 1, 2, 3, and 4	0.017 lbs/MMBtu	40.80 (total)
84" hot strip mill waste heat boiler no. 1	0.043 lbs/MMBtu	10.00
84" hot strip mill waste heat boiler no. 2	0.043 lbs/MMBtu	10.00
Blast furnace number 13 stoves	0.024 lbs/MMBtu	20.40 (total)
Blast furnace number 4 stoves	0.033 lbs/MMBtu	11.70 (total)
Blast furnace number 6 stoves	0.033 lbs/MMBtu	11.70 (total)
Blast furnace number 8 stoves	0.033 lbs/MMBtu	11.70 (total)
Coke battery number 2 underfiring stack	not applicable	32.30
Coke battery number 3 underfiring stack	not applicable	25.50

Coke battery number 5 underfiring stack	not applicable	24.70
Coke battery number 7 underfiring stack	not applicable	21.30
Coke plant boiler house, boiler numbers 1 and 2	0.003lbs/MMBtu	0.75 (total)
Coke plant boiler house, boiler number 3	0.012 lbs/MMBtu	1.80
Coke plant boiler house, boiler numbers 4 and 5	0.012 lbs/MMBtu	3.90
Coke plant boiler house, boiler number 6	0.012 lbs/MMBtu	2.00
Coke plant boiler house, boiler number 7	0.012 lbs/MMBtu	1.90
Coke plant boiler house, boiler number 8	0.012 lbs/MMBtu	2.90
Number 1 BOP hot metal desulfurization baghouse	0.007 gr/dscfm	15.0
Number 2 Q-BOP LMF Numbers 1 and 2 material handling baghouse	0.007 gr/dscfm	3.83
Number 2 Q-BOP LMF number 3 hot fume exhaust/material handling baghouse	0.0070 gr/dscfm	2.70
Number 2 Q-BOP hot metal desulfurization baghouse	0.007 gr/dscfm	13.0
Number 1 BOP gas cleaning system	0.011 gr/dscfm	46.0 (total)
Number 2 Q-BOP gas cleaning system	0.0153 gr/dscfm	44.40 (total)
TBBH boiler number 6	0.039 lbs/MMBtu	27.80
TBBH boiler numbers 1, 2, 3, and 5 when four boilers are operating	0.037 lbs/MMBtu	61.0 (total)
TBBH boiler numbers 1, 2, 3, and 5 when three boilers are operating	0.050 lbs/MMBtu	61.0 (total)
TBBH boiler numbers 1, 2, 3, and 5 when one or two boilers are operating	0.074 lbs/MMBtu	61.0 (total)
Number 2 Q-BOP north flux handling system baghouse	0.0070 gr/dscfm	1.80
Number 2, Q-BOP south flux handling system baghouse	0.0070 gr/dscfm	1.80
Number 2 Q-BOP secondary emissions baghouse	0.007 gr/dscfm	27.0
Number 3 sinter plant S1/S2 baghouse	0.0100 gr/dscfm	1.29
TBBH boiler number 4A	0.012 lbs/MMBtu	2.90
Number 13 blast furnace casthouse baghouse	0.0090 gr/dscfm	38.57
Number 1 BOP Casbell/OB lancing baghouse	0.070 gr/dscfm	5.10
Number 2 Q-BOP LMF number 1 hot fume exhaust baghouse	0.007 gr/dscfm	5.1
Number 2 Q-BOP LMF number 2 hot fume exhaust baghouse	0.007 gr/dscfm	5.1
Coke plant desulfurization facility tail gas incinerator	not applicable	0.13
Slab mill slab grinder baghouse	0.0100 gr/dscfm	2.57
EGL boiler house	0.0033 lbs/MMBtu	0.13 (total)

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Coke battery number 5/7 pushing emissions control baghouse	0.017 lb/ton coke produced	1.28
Number 2 Q-BOP RH-degasser slag conditioning baghouse	0.007 gr/dscfm	5.49
Coke plant boiler house lime storage silo baghouse	0.030 gr/dscfm	0.28
Plate mill heat treatment furnace	0.003 gr/dscfm	0.096

(Air Pollution Control Board; 326 IAC 6.8-2-38)

Rule 3. Lake County: Opacity Limits; Exceptions to 326 IAC 5-1-2

326 IAC 6.8-3-1 General provisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. Opacity limits listed in sections 2 through 4 of this rule shall be complied with and shall take precedence over those in 326 IAC 5-1-2 with which they conflict. *(Air Pollution Control Board; 326 IAC 6.8-3-1)*

326 IAC 6.8-3-2 Inland Steel

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 2. Inland Steel in Lake County shall meet the following opacity limits:

<u>Source</u>	<u>Opacity</u>
Electric arc furnace direct shell evacuation system baghouse	5%, 6 minute average
Electric furnace shop roof monitor	20%, 6 minute average
Electric furnace shop ladle metallurgical station baghouse	5%, 6 minute average
Number 2 basic oxygen furnace, number 10 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace, number 20 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace caster fume collection baghouse	5%, 3 minute average
Number 2 basic oxygen furnace charging isle and reladling desulfurization baghouse	5%, 3 minute average
Number 2 basic oxygen furnace flux storage and batch baghouse	5%, 3 minute average
Number 2 basic oxygen furnace ladle metallurgy station baghouse	5%, 3 minute average
Number 2 basic oxygen furnace roof monitor	20%, 3 minute average
Number 2 basic oxygen furnace secondary ventilation system scrubber	20%, 6 minute average
Number 2 basic oxygen furnace truck and ladle hopper baghouse	5%, 3 minute average
Number 2 basic oxygen furnace tundish dump baghouse	5%, 3 minute average
Number 4 basic oxygen furnace off-gas scrubber	20%, 6 minute average
Number 4 basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Number 4 basic oxygen furnace roof monitor	20%, 3 minute average
Number 4 basic oxygen furnace secondary ventilation system baghouse	5%, 3 minute average
Number 4 basic oxygen furnace vacuum degassing material handling baghouse	5%, 3 minute average
Number 7 blast furnace casthouse	15%, 6 minute average

(Air Pollution Control Board; 326 IAC 6.8-3-2)

326 IAC 6.8-3-3 LTV Steel Corporation

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 3. LTV Steel Corporation in Lake County shall meet the following opacity limits:

<u>Source</u>	<u>Opacity</u>
Basic oxygen furnace ladle metallurgical station baghouse	5%, 3 minute average
Basic oxygen furnace main stack	20%, 6 minute average
Basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Basic oxygen furnace shop roof monitor	20%, 3 minute average

(Air Pollution Control Board; 326 IAC 6.8-3-3)

326 IAC 6.8-3-4 USS-Gary Works

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 4. USS-Gary Works in Lake County shall meet the following opacity limits:

<u>Source</u>	<u>Opacity</u>
Number 1 basic oxygen furnace iron desulfurization baghouse	5%, 3 minute average
Number 1 basic oxygen furnace roof monitor	20%, 3 minute average
Number 1 basic oxygen process gas cleaning (2 units)	20%, 6 minute average
Number 2 QBOP hot metal desulfurization baghouse	5%, 3 minute average
Number 2 QBOP gas cleaning	20%, 6 minute average
Number 2 QBOP roof monitor	20%, 3 minute average
Number 2 QBOP flue handling line baghouse	5%, 3 minute average
New 2 QBOP secondary baghouse	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 1	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 2	5 %, 3 minute average

(Air Pollution Control Board; 326 IAC 6.8-3-4)

Rule 4. Lake County: Opacity Limits; Test Methods

326 IAC 6.8-4-1 Test methods

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. Test methods for 326 IAC 6.8-2 through 326 IAC 6.8-8 shall be as follows:

- (1) Emissions of PM₁₀ shall be measured by any of the following:
 - (A) 40 CFR 51, Appendix M, Method 201*.
 - (B) 40 CFR 51, Appendix M, Method 201A*.
 - (C) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Method 1, 1A, 2, 2A, 2C, 2D, 3, or 4*.
- (2) Emissions for TSP matter shall be measured by the following methods:
 - (A) 40 CFR 60, Appendix A, Methods 5, 5A, 5D, 5E, or 17*. Method 17 may not be used when the stack gas temperature exceeds two hundred forty-eight (248) degrees Fahrenheit. (±25°F).
 - (B) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 3, or 4*.
- (3) Measurements of opacity shall be conducted in accordance with the following:
 - (A) 40 CFR 60, Appendix A, Method 9*, except for those

- sources where a three (3) minute averaging time is required.
- (B) Sources requiring a three (3) minute averaging time are subject to all parts of Method 9* except the six (6) minute averaging provision. In these cases, the opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.
- (4) Emissions of sulfuric acid mist shall be measured in accordance with 40 CFR 60, Appendix A, Method 8*.
- (5) Compliance with the mass emission limits for the sinter plant windbox stacks at USS-Gary Works in 326 IAC 6.8-2 shall be determined by the following:
 - (A) The simultaneous sampling and analysis of both noncondensibles (front half) and condensibles (back half) particulate matter.
 - (B) The quantity of noncondensibles particulate matter in the gas stream shall be determined in accordance with the procedures specified in 40 CFR 60, Appendix A, Method 5*.
 - (C) The quantity of condensible particulate matter in the gas stream shall be determined in accordance with 40 CFR 51, Appendix M, Method 202*, with the following modifications:
 - (i) A heated Method 5 out of stack filter shall be used instead of an in-stack filter.
 - (ii) The impinger system shall consist of five (5) impingers. The first three (3) impingers shall contain one hundred (100) milliliters of deionized water, the fourth shall be empty, and the fifth shall contain silica gel.

(iii) The first four (4) impingers shall be used to determine the quantity of condensable particulate emissions.

(D) Compliance shall be achieved if the sum of the front half and the back half is less than or equal to the mass emission limit of one hundred (100) lbs/hr per stack, and the front half catch is less than or equal to the mass concentration limit of twenty-thousandths (0.020) gr/dscf in 326 IAC 6.8-2.

*These documents are incorporated by reference and are available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 6.8-4-1)

Rule 5. Lake County: Opacity Continuous Emissions Monitors

326 IAC 6.8-5-1 Installation and operation of continuous emissions monitors

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources, facilities, and operations located in Lake County and listed in this article.

(b) The installation and operation of opacity continuous emissions monitors shall be conducted according to procedures specified in 326 IAC 3. Prior to December 10, 1993, the following facilities shall have a continuous emission monitor for opacity installed and operating:

- (1) Coke battery underfire stacks at USS.
- (2) LTV basic oxygen furnace precipitator main stack.
- (3) Numbers 2 and 3 precarbon building preheating and drying line exhaust gas precipitators (six (6) units). One (1) opacity continuous emission monitor shall be installed prior to December 10, 1993. The remaining five (5) opacity continuous emission monitors shall be installed prior to December 31, 1994. Based on an evaluation of the technical feasibility of operation of the first monitor on one (1) line, US Steel may petition for a one (1) year extension of the requirement to install the remaining five (5) monitors or for a waiver for installation and operation of the six (6) opacity continuous emission monitors. US Steel shall include information on the moisture content of the gases and their effect on accurate opacity measurements as part of any such petition. (Air Pollution Control Board; 326 IAC 6.8-5-1)

Rule 6. Lake County: Combustion Sources; Natural Gas

326 IAC 6.8-6-1 General provisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. Combustion sources located in Lake County and listed in sections 2 through 20 of this rule shall fire natural gas only. (Air Pollution Control Board; 326 IAC 6.8-6-1)

326 IAC 6.8-6-2 American Steel Foundry-Hammond

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 2. American Steel Foundry-Hammond in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Boiler number 4-5509	0.003 lbs/MMBtu	0.030
Furnaces	0.003 lbs/MMBtu	0.16

(Air Pollution Control Board; 326 IAC 6.8-6-2)

326 IAC 6.8-6-3 BP Products North America Inc.

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. BP Products North American Inc. in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
F-100 marine docks distillate heater	0.003 lbs/MMBtu	0.020

(Air Pollution Control Board; 326 IAC 6.8-6-3)

326 IAC 6.8-6-4 Cerestar USA, Incorporated

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 4. Cerestar USA, Incorporated in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Boiler number 1	0.003 lbs/MMBtu	0.288
Boiler number 2	0.003 lbs/MMBtu	0.468
South dextrin furnace number 1	0.003 lbs/MMBtu	0.023
North dextrin furnace number 2	0.003 lbs/MMBtu	0.023

(Air Pollution Control Board; 326 IAC 6.8-6-4)

326 IAC 6.8-6-5 E.I. Dupont

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 5. E.I. Dupont in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Power house (1 unit)	0.003 lbs/MMBtu	0.100

(Air Pollution Control Board; 326 IAC 6.8-6-5)

326 IAC 6.8-6-6 Gatz-Gen Amer Trans

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 6. Gatz-Gen Amer Trans in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Stress relief furnace	0.003 lbs/MMBtu	0.120

(Air Pollution Control Board; 326 IAC 6.8-6-6)

326 IAC 6.8-6-7 General Refractory

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 7. General Refractory in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Tunnel kiln	0.003 lbs/MMBtu	0.040

(Air Pollution Control Board; 326 IAC 6.8-6-7)

326 IAC 6.8-6-8 Hammond Group, Inc. (HGI)
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 8. Hammond Group, Inc. (HGI) in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Stack 18-S-24	0.003 lbs/MMBtu	0.025
Stack 18-S-49	0.003 lbs/MMBtu	0.025

(Air Pollution Control Board; 326 IAC 6.8-6-8)

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
12 inch bar mill reheat furnace	0.003 lbs/MMBtu	1.090
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.003 lbs/MMBtu	1.31
Stack serving 76 inch hot strip mill reheat furnace numbers 1, 2, and 3	0.003 lbs/MMBtu	1.310
Stack serving 80 inch hot strip mill furnace numbers 3 and 4	0.003 lbs/MMBtu	3.980
Number 3 cold strip and numbers 5 and 6 annealing furnaces	0.003 lbs/MMBtu	0.987
Number 5 galvanizing line	0.003 lbs/MMBtu	0.44
Number 3 continuous anneal line	0.003 lbs/MMBtu	0.25
Open coil anneal	0.003 lbs/MMBtu	0.25
Plant 1 galvanizing lines	0.003 lbs/MMBtu	0.51
Normalizing line	0.003 lbs/MMBtu	0.13

(Air Pollution Control Board; 326 IAC 6.8-6-10)

326 IAC 6.8-6-11 Jupiter Aluminum Corporation (Advanced Aluminum Products)
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 11. Jupiter Aluminum Corporation in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Number 2 annealer	0.003 lbs/MMBtu	0.048
Number 3 annealer	0.003 lbs/MMBtu	0.048
Annealing furnace	0.003 lbs/MMBtu	0.040
Boiler	0.003 lbs/MMBtu	0.010

(Air Pollution Control Board; 326 IAC 6.8-6-11)

326 IAC 6.8-6-12 LTV Steel Corporation
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 12. LTV Steel Corporation in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Hot strip space heater numbers 1 through 28	0.003 lbs/MMBtu	0.250 TSP

326 IAC 6.8-6-9 Hammond Group, Inc.-Halstab Division
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 9. Hammond Group, Inc.-Halstab Division in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Stack S-18	0.003 lbs/MMBtu	0.008
Stack S-19	0.003 lbs/MMBtu	0.008

(Air Pollution Control Board; 326 IAC 6.8-6-9)

326 IAC 6.8-6-10 Inland Steel
 Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 10. Inland Steel in Lake County shall meet the following emission limits:

IC 13-14-9 Notices

Sheet mill number 2 portable annealing furnace numbers 1 through 23	0.003 lbs/MMBtu	1.100 TSP
Sheet mill number 2 space heater numbers 1 through 7	0.003 lbs/MMBtu	0.050 TSP
Sheet mill number 3 open coil annealing furnace numbers 1 through 3	0.003 lbs/MMBtu	0.031 TSP
Number 3 sheet mill annealing furnace numbers 1 through 7	0.003 lbs/MMBtu	0.071 TSP
Number 3 sheet mill annealing furnace numbers 1 through 11	0.003 lbs/MMBtu	0.520 TSP
Sheet mill number 2, annealing and galvanizing furnace numbers 2 through 5	0.003 lbs/MMBtu	1.280 TSP
Sheet mill number 2, CRSM boiler numbers 7 and 8	0.003 lbs/MMBtu	0.290 TSP
Number 2 cold reduced strip mill, number 2 galvanizing line, numbers 1 and 2 flame furnaces	0.003 lbs/MMBtu	0.500
Number 2 sheet mill galvanizers 1 and 2 <i>(Air Pollution Control Board; 326 IAC 6.8-6-12)</i>	0.003 lbs/MMBtu	0.265 TSP

326 IAC 6.8-6-13 NIPSCo-Mitchell

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 13. NIPSCo-Mitchell in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Number 9A gas turbine <i>(Air Pollution Control Board; 326 IAC 6.8-6-13)</i>	0.003 lbs/MMBtu	0.660

326 IAC 6.8-6-14 Praxair

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 14. Praxair in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Package boilers (2 units)	0.003 lbs/MMBtu	0.618
Plants numbers 6, 7, and 8 regenerator heaters <i>(Air Pollution Control Board; 326 IAC 6.8-6-14)</i>	0.003 lbs/MMBtu	0.097

326 IAC 6.8-6-15 Silgan Containers Manufacturing Corporation

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 15. Silgan Containers Manufacturing Corporation in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Stack serving basecoat ovens (6 units)	0.003 lbs/MMBtu	0.210
Boiler number 4	0.003 lbs/MMBtu	0.010
Stack serving boiler numbers 1, 2, and 3	0.003 lbs/MMBtu	0.170
Stack serving Johnson space heater numbers 1 through 4	0.003 lbs/MMBtu	0.060
Stack serving litho ovens (5 units) <i>(Air Pollution Control Board; 326 IAC 6.8-6-15)</i>	0.003 lbs/MMBtu	0.150

326 IAC 6.8-6-16 Smith Ready Mix

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 16. Smith Ready Mix in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Stack serving 2 boiler units <i>(Air Pollution Control Board; 326 IAC 6.8-6-16)</i>	0.003 lbs/MMBtu	0.035

326 IAC 6.8-6-17 State Line Energy, LLC

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 17. State Line Energy, LLC in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Stack serving emergency backup boiler numbers 2-1 and 2-2 <i>(Air Pollution Control Board; 326 IAC 6.8-6-17)</i>	0.003 lbs/MMBtu	0.900

326 IAC 6.8-6-18 Unilever HPC, USA

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 18. Unilever HPC, USA in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
American hydrotherm boiler number 1 <i>(Air Pollution Control Board; 326 IAC 6.8-6-18)</i>	0.003 lbs/MMBtu	0.040

326 IAC 6.8-6-19 Union Tank Car Company

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 19. Union Tank Car Company in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Boiler house, north	0.003 lbs/MMBtu	0.110
Boiler house, south	0.003 lbs/MMBtu	0.110
Number 4 boiler	0.003 lbs/MMBtu	0.020
Number 8 boiler	0.003 lbs/MMBtu	0.010
North stress furnace	0.003 lbs/MMBtu	0.160
Stack serving paint oven unit numbers 1 through 5	0.003 lbs/MMBtu	0.060
South stress furnace <i>(Air Pollution Control Board; 326 IAC 6.8-6-19)</i>	0.003 lbs/MMBtu	0.160

326 IAC 6.8-6-20 U.S. Gypsum Company

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 20. U.S. Gypsum Company in Lake County shall meet the following emission limits:

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lb/hr)</u>
Each stack serving wallboard drying furnace, stacks B4, B5, and B6 <i>(Air Pollution Control Board; 326 IAC 6.8-6-20)</i>	0.003 lbs/MMBtu	0.068

Rule 7. Lake County: Site-Specific Control Requirements

326 IAC 6.8-7-1 General provisions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. This rule lists site-specific control requirements for sources in Lake County. For any facility with a compliance date after December 10, 1993, the company shall submit a schedule for meeting the final compliance date containing milestones for purchase and installation of the equipment and for the operational changes required to assure compliance with the applicable standard prior to the final compliance date. The schedule shall be submitted to the department and to the U.S. EPA prior to December 10, 1993. A violation of any milestone in the submitted schedule constitutes a violation of this article. The sources listed in sections 2 through 8 of this rule shall meet the requirements in this rule. (*Air Pollution Control Board; 326 IAC 6.8-7-1*)

326 IAC 6.8-7-2 American Steel Foundry-Hammond

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 2. American Steel Foundry-Hammond in Lake County shall comply with the PM₁₀ mass emission limit in 326 IAC 6.8-2 for coil

<u>Process</u>	<u>Emission Units</u>	<u>Emission Limit</u>
Each stack serving dextrin manufacturing equipment systems numbers 1 through 7	1.000 lbs/ton	0.50 lbs/hr
Starch flash feed dryer number 1 scrubber (<i>Air Pollution Control Board; 326 IAC 6.8-7-3</i>)	0.086 lbs/ton	8.69 TSP

326 IAC 6.8-7-4 Hammond Group, Inc. (HGI)-Halox Plant

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 4. Hammond Group, Inc. (HGI)-Halox Plant in Lake County shall raise the stack heights of stacks 17-S-25 and 17-S-40 to twenty-one and three-tenths (21.3) meters abovegrade by December 10, 1993. (*Air Pollution Control Board; 326 IAC 6.8-7-4*)

326 IAC 6.8-7-5 Inland Steel

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 5. The following site-specific control requirements apply to Inland Steel in Lake County:

- (1) Number 2 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in 326 IAC 6.8-3 shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the thirty percent (30%), six (6) minute average. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9*, except that the three (3) minute, twenty percent (20%) opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.
- (2) Numbers 8 and 11 coke batteries. Operation of the number 8 coke battery and its underfire stack and number 11 coke battery and its associated quench tower, underfire stack, and preheater stacks shall be permanently discontinued before December 31, 1992.
- (3) Number 10 coke battery. After the shutdown of the number

spring grinder numbers 3-0244, 3-0386, 3-0389, 3-0247, 3-0385, 3-0295, and 3-0233 shall be complied with no later than December 31, 1993, and shall be maintained thereafter. The source shall either improve the efficiency of the existing control equipment or replace the existing control equipment with higher efficiency control equipment to comply with emission limits specified in 326 IAC 6.8-2. (*Air Pollution Control Board; 326 IAC 6.8-7-2*)

326 IAC 6.8-7-3 Cerestar USA, Incorporated

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 3. The following site-specific control requirements apply to Cerestar USA, Incorporated in Lake County:

- (1) Starch dryer number 1 shall be permanently shut down by December 31, 1993.
- (2) Starch dryer number 2 stack height shall be increased from eighteen and three-tenths (18.3) meters to thirty (30) meters by December 10, 1993.
- (3) Dextrin manufacturing systems 1 through 7 shall be permanently shut down by December 31, 1993.
- (4) After December 10, 1993, American Maize shall achieve compliance with the respective limits in 326 IAC 6.8-2. The following mass emission limits shall be applicable until December 10, 1993:

8 coke battery, the electrostatic precipitator associated with the number 8 coke battery shall be connected to the number 10 coke battery prior to December 31, 1992.

(4) Numbers 6, 7, 9, and 10 coke batteries. These coke batteries and associated quench towers and underfire stacks shall not operate after December 31, 1994. Prior to December 31, 1994, these coke batteries shall meet the requirement of 326 IAC 6.8-9 with the following exceptions:

- (A) There shall be no visible emissions from more than ten percent (10%) of the standpipes on operating ovens on a battery.
- (B) Visible emissions shall not exceed twenty percent (20%) averaged over six (6) consecutive observations during any pushing operation.
- (C) Mass emissions from the coke battery underfire stacks shall not exceed fifty-thousandths (0.050) gr/dscf.

(5) Number 4 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in 326 IAC 6.8-3 shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the twenty-five percent (25%), six (6) minute average.

(6) Number 7 blast furnace casthouse. Tapping emissions from the number 7 blast furnace casthouse shall be controlled by a hood vented to a baghouse on and after December 1, 1992. Canopy hoods shall be installed above each of the four (4) furnace tap holes. The hoods shall be ducted to a new three hundred seventy thousand (370,000) actual cubic feet per minute minimum design flow rate baghouse. Each hood shall be located just above the casthouse crane and extend via vertical sheeting to the casthouse roof. The system shall provide a minimum of one

hundred eighty-five thousand (185,000) actual cubic feet per minute of air flow (fume capture) to each hood, when the corresponding tap hole is being drilled or plugged.

(7) Number 2 bloom mill soaking pits. The soaking pits shall not operate after December 31, 1992.

(8) Prior to December 31, 1994, Inland Steel shall comply with a thirty percent (30%), six (6) minute average opacity limit for the electric arc furnace roof monitor. On and after December 31, 1994, Inland Steel shall comply with the roof monitor opacity limit specified in 326 IAC 6.8-3. Prior to December 31, 1994, Inland Steel shall do the following:

(A) Perform tests according to procedures developed in consultation with the department to establish process and

control equipment operating procedures and to establish control system fan motor ampere and damper position or volumetric flow rates through each separately ducted hood or duct, or both, used to capture emissions during the electric arc furnace charging, tapping, and refining process.

(B) Install the required monitoring equipment in consultation with the department regarding its accuracy and precision position.

(C) Record the start time and duration of charging, tapping, and refining of each heat.

(9) After December 31, 1994, the sources shall comply with the respective limits contained in 326 IAC 6.8-2. The following mass emission limits will be applicable until December 31, 1994:

Processes

Number 6 coke battery underfire stack	0.271 lbs/ton coal	9.840
Number 7 coke battery underfire stack	0.267 lbs/ton coal	15.580
Number 9 coke battery underfire stack	0.406 lbs/ton coal	19.180
Number 10 coke battery underfire stack	0.371 lbs/ton coal	27.81
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.29 lbs/MMBtu	12.95
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.031 lbs/MMBtu	9.190
Number 3AC station boiler numbers 301 through 304	0.023 lbs/MMBtu	20.45
Number 3AC station boiler number 305	0.023 lbs/MMBtu	6.82

<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>
0.271 lbs/ton coal	9.840
0.267 lbs/ton coal	15.580
0.406 lbs/ton coal	19.180
0.371 lbs/ton coal	27.81
0.29 lbs/MMBtu	12.95
0.0 lbs/MMBtu	0.0
0.031 lbs/MMBtu	9.190
0.023 lbs/MMBtu	20.45
0.023 lbs/MMBtu	6.82

*This document is incorporated by reference and is available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or is available for review and copying at the Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 6.8-7-5)

326 IAC 6.8-7-6 LTV Steel Corporation

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 6. The following site-specific control requirements apply to LTV Steel Corporation in Lake County:

(1) Basic oxygen furnace facility roof monitor. The twenty percent (20%), three (3) minute average opacity (20%) except for standard in 326 IAC 6.8-3 shall be achieved no later than December 10, 1993, and shall be maintained thereafter. Prior to December 10, 1993, the opacity standard shall be twenty percent (20%), one (1) three (3) minute average per hour.

(2) Number 4 blast furnace. Compliance with the opacity limit shall be achieved no later than February 1, 1994, and shall be maintained thereafter. Also, control equipment capable of capturing and collecting emissions generated at the east and west tilting runner spouts and tap holes shall be installed and operational by February 1, 1994.

(Air Pollution Control Board; 326 IAC 6.8-7-6)

326 IAC 6.8-7-7 NIPSCO-Mitchell

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 7. NIPSCO-Mitchell Units 5 and 6 in Lake County shall comply with the following opacity limits:

(1) A thirty percent (30%), six (6) minute average opacity limit until December 31, 1992.

(2) A twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 10, 1993.

(3) A twenty percent (20%), six (6) minute average opacity limit after December 10, 1993.

(Air Pollution Control Board; 326 IAC 6.8-7-7)

326 IAC 6.8-7-8 State Line Energy LLC

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 8. State Line Energy LLC, Units 3 and 4 in Lake County shall comply with the following:

(1) A thirty percent (30%), six (6) minute average opacity limit until December 31, 1992.

(2) A twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 31, 1993.

(3) A twenty percent (20%), six (6) minute average opacity limit after December 31, 1993.

(Air Pollution Control Board; 326 IAC 6.8-7-8)

Rule 8. Lake County: Continuous Compliance Plan

326 IAC 6.8-8-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. The continuous compliance plan (CCP) for sources listed in subdivisions (1) through (21) shall contain information on the facilities included in 326 IAC 6.8-2 through 326 IAC 6.8-3. The following sources shall submit a CCP to the department by December 10, 1993:

(1) American Steel Foundries-East Chicago.

(2) American Steel Foundry-Hammond.

(3) BP Products North America Inc.

(4) Buckco Construction.

(5) Cerestar USA, Incorporated.

- (6) Globe Industries.
- (7) Hammond Group, Inc. (HGI).
- (8) Harbison Walker Refractories, Hammond Works.
- (9) Inland Steel.
- (10) LTV Steel Corporation.
- (11) Marblehead Lime Company.
- (12) Marport Smelting.
- (13) National Recovery Systems.
- (14) NIPSCO-Mitchell.
- (15) Reed Minerals.
- (16) Rhodia, Inc.
- (17) State Line Energy LLC.
- (18) Unilever HPC, USA.
- (19) U.S. Gypsum Company.
- (20) USS-Gary Works.

(21) A CCP shall also be submitted by any source in Lake County for facilities that meet the following conditions:

(A) Boilers with heat input capacity equal to or greater than twenty-five million (25,000,000) British thermal units per hour, singly or in combination, that vent through a single stack. Facilities, including boilers and reheat furnaces, configured to burn only natural gas, blast furnace gas, or coke oven gas, or a combination of these gases, are exempt.

(B) Facilities that perform manufacturing operations in a building or structure such that the total uncontrolled PM₁₀ emissions from all such operations amount to ten (10) tons per year or more and that could potentially escape into the atmosphere through roof vents and other openings. The uncontrolled PM₁₀ emissions shall be estimated with "Compilation of Air Pollutant Emission Factors" Volume 1, Stationary Point and Area Sources, AP-42, Fifth Edition, January 1995,* Supplements A through G, December 2000* emission factors or other documentable emission factors acceptable to the commissioner and U.S. EPA.

(C) Each facility, not otherwise required to submit a CCP in accordance with this section with uncontrolled PM₁₀ or TSP emissions that may exceed one hundred (100) tons per year based on eight thousand seven hundred sixty (8,760) hours of operation and AP-42 emission factors or other documentable emission factors acceptable to the commissioner and U.S. EPA.

*These documents are incorporated by reference and are available for purchase from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 6.8-8-1)

326 IAC 6.8-8-2 Documentation; operation and maintenance procedures

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 2. The continuous compliance plan shall contain, for the facilities specified in section 1 of this rule, documentation of operation and maintenance practices of process operations and any particulate matter control equipment existing or required to be installed, replaced, or improved by 326 IAC 6.8-7 that are essential to maintaining compliance with the mass and opacity limits specified in 326 IAC 5-1 and 326 IAC 6.8-2 through 326 IAC 6.8-3.

(Air Pollution Control Board; 326 IAC 6.8-8-2)

326 IAC 6.8-8-3 Plan requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 3. The continuous compliance plan (CCP) shall include the following:

- (1) A list of the processes and facilities at the source.
- (2) A list of the particulate matter control equipment associated with the processes and facilities listed in section 1 of this rule.
- (3) The process operating parameters critical to continuous compliance with the applicable PM₁₀ or TSP mass and opacity limits, including applicable specific requirements listed in section 5 of this rule.
- (4) The particulate matter control equipment operating parameters critical to continuous compliance with the applicable PM₁₀ or TSP mass and opacity including applicable requirements listed in section 6 of this rule.
- (5) The specific monitoring, recording, and record keeping procedures for process and control equipment for each facility in the CCP specified in subdivisions (1) and (2).
- (6) The procedure used to assure that adequate exhaust ventilation is maintained through each duct at facilities where emissions are captured by a collection hood and transported to a control device.

(Air Pollution Control Board; 326 IAC 6.8-8-3)

326 IAC 6.8-8-4 Plan; schedule for complying with 326 IAC 6.8-7

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 4. A continuous compliance plan for a source to which 326 IAC 6.8-7 applies shall contain a schedule for complying with the requirements of 326 IAC 6.8-7. The schedule shall list specific compliance dates for the following actions:

- (1) Submittal of plans.
- (2) Start of construction.
- (3) Completion of construction.
- (4) Achieving compliance.
- (5) Performing compliance tests.
- (6) Submitting compliance test results.

(Air Pollution Control Board; 326 IAC 6.8-8-4)

326 IAC 6.8-8-5 Plan; source categories

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 5. A source or facility to which section 1 of this rule applies, which belongs to any source category listed in this section, shall include the following information, applicable procedures, or commit to the following actions in its continuous compliance plan (CCP):

- (1) For lime plants, monitor opacity at the kilns and control system vents during normal operation of the kiln with a continuous emission monitor or through self-monitoring of opacity. 40 CFR 60, Appendix A, Method 9* should be used to determine opacity if the facility is controlled by a positive pressure fabric filter.
- (2) For petroleum refineries, continuously monitor opacity of exhaust gases and monitor the coke burn-off rate in pounds per hour from fluid catalytic cracking unit catalyst regenerators.
- (3) Steel mill CCPs shall include, at a minimum, the following:
 - (A) Basic oxygen process (BOP, BOF, QBOP), including the following:

(i) Describe the capture and control devices to control particulate emissions from each phase of the steel production cycle, including the furnace, hot metal transfer, hot metal desulfurization, and kish removal. The description shall include the locations within the facility of these operations in relation to capture hoods, control devices, roof vents, and other building openings.

(ii) Describe any fume suppression system, including the process or emission point being controlled, the location within the facility, the inert gas or steam application rate, and the monitoring method. As used in this item, "fume suppression system" means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

(iii) Describe the procedure for recording furnace charging and tapping time, amount of throughput, and amount of steel produced.

(iv) Describe the off-gas system leak detection and repair record keeping practices.

(v) Describe the procedures used to minimize dirt and debris accumulation on the facility floor.

(vi) Describe practices that reduce PM₁₀ and TSP emissions escaping the primary or secondary hood during scrap charging and hot metal charging tapping steel and dumping slag.

(vii) At least monthly, inspect the operational status of the following elements of the capture system:

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) The hood and ductwork for the presence of holes.
- (EE) Ductwork for accumulation of dust.
- (FF) Fans for erosion.

Maintain records of the inspections and any repairs.

(B) Electric arc furnace, including the following:

(i) List the furnace operating sequences to be followed in case of multivessel operation. Describe the capture and control devices used to control particulate emissions in each phase of the steel production cycle, including exhaust rate and dampers, blast gates, instrumentation operation, and control. Include a drawing that shows the location of the following:

- (AA) The furnace within the facility in relation to capture hoods and control devices, roof vents, and other building openings.
- (BB) Other processes within the facility that have potential to generate emissions, including casting and ladle repair.

(ii) Describe the procedure for recording the following:

- (AA) Time of furnace charging, furnace melting, and furnace refining.
- (BB) Tapping start and stop times.
- (CC) Charge weight for each heat.
- (DD) Tap weight for each heat.

(iii) At least monthly, inspect the operational status of the following elements of the capture:

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) Hood and ductwork for the presence of holes.
- (EE) Ductwork for accumulation of dust.
- (FF) Fans for erosion.

Maintain records of the inspections and any repairs.

(iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(v) Once per heat, either check and record the control system fan motor ampere and damper position or monitor flow rate through each separately ducted hood or duct, or both, used to capture emissions from the electric arc furnace operation.

(vi) Take visible emission readings of the direct shell evacuation system and the roof monitor at least once a day. The readings shall be taken during one (1) single steel production cycle and will be concurrent with the observations in 326 IAC 6.8-7-5(8)(C). The opacity observations shall be taken according to 40 CFR 60, Appendix A, Method 9* and consist of at least one (1) six (6) minute observation each during charging and tapping and three (3) six (6) minute observations during melting and refining.

(vii) Report to the department on a quarterly basis control system fan motor amperage values that exceed fifteen percent (15%) of the value or operation at volumetric flow rates lower than those established during the performance test in 326 IAC 6.8-7-5(8)(A). Operation above these values may be considered as unacceptable operation of the electric arc furnace equipment and the emissions capture and control system by the commissioner. Unless alternative values are established according to the procedures prescribed in section 1 of this rule.

(viii) Keep a record of any process and control equipment upsets, malfunctions, or activities within the electric arc furnace facility that may have resulted in excessive emissions. The records shall consist of the nature of event, time, and duration.

(C) Iron production that includes a blast furnace shall comply with the following:

(i) Describe procedures, including frequency, for inspection of the following elements of a capture system:

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) Hood and ductwork for the presence of holes.

Maintain records of the maintenance and any repairs made.

(ii) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(iii) Describe any fume suppression system, including the process or emission point being controlled, the location, and the inert gas or steam application rate and the monitoring method. "Fume suppression system" means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

(iv) Describe the record keeping for the following elements of the iron production cycle:

- (AA) Time of hole drilling.
- (BB) Time of tapping.
- (CC) Time of hole plugging.

(v) Describe the blast furnace inspection, repair, and maintenance schedule for the following elements:

- (AA) Tuyres.
- (BB) Bleeder valves.
- (CC) Large and small bells.
- (DD) Uptakes and downcomers (to minimize backdrafting).

- (EE) Standby devices.
- (vi) Describe the procedures used to inspect and operate the blast furnace gas cleaning equipment, such as dust catchers and scrubbing equipment, to assure operation within design parameters.
- (D) Sinter production shall comply with the following:
 - (i) Describe routine startup and shutdown procedures and other work practices that are followed to reduce emissions and equipment malfunctions.
 - (ii) Describe procedures for inspection of equipment to identify areas that may affect particulate emissions, including the following:
 - (AA) Points of wear.
 - (BB) Distorted grate bars.
 - (CC) Leaking machine seals.
 - (DD) Holes in ducts.
 - (EE) Holes in flapper valves.
 - (iii) Describe procedures for monitoring mechanical and electrical inspection records.
 - (iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.
 - (v) Describe procedures for monitoring burden parameters, including base to acid ratio and hydrocarbon content.
 - (vi) Describe the routine for plant operation during equipment failure, such as screening station failure.
 - (vii) At least monthly, inspect the operational status of the following elements of the capture system:
 - (AA) Pressure sensors.
 - (BB) Dampers.
 - (CC) Damper switches.
 - (DD) Hood and ductwork for the presence of holes.
 - (EE) Ductwork for accumulation of dust.
 - (FF) Fans for erosion.

Maintain records of the inspections and any repairs.

- (E) Coke production shall comply with the following:
 - (i) Describe operating and maintenance practices used to minimize emissions from charging doors, charge port lids, offtakes, standpipes, gooseneck caps and gas collector mains, pushing, underfire stacks, and quenching, including quench water dissolved solids control. The documentation shall include the following operating practices:
 - (AA) Use of jumper pipe during charging.
 - (BB) Procedure for worker's coordination, training, and communication.
 - (CC) Luting material used.
 - (DD) Periodic engineering evaluations to determine improvements needed.
 - (EE) Aspiration practices during charging, including aspiration rate and adjustment.
 - (ii) Describe the routinely available inventory of spare parts and equipment, including luting compounds, doors, and mobile scrubber cars.
- (F) Waste disposal and recycling practices of iron and steel scrap and other metallic scrap shall comply with the following:
 - (i) Provide a description of the routine activities involving disposal and reclamation of iron and steel. The visible emissions from such activities shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

- (ii) Maintenance of process vessels, for example, pugh ladles, shall be performed in enclosed structures. The visible emissions from such structures shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.
- (iii) Emissions from all steel scrap burning or cutting and oxygen lancing operations shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(G) Visible emission evaluation plans shall comply with the following:

- (i) Within sixty (60) days of June 11, 1993, each steel mill shall submit a plan to conduct visible emissions evaluations per the approved test method or procedures to determine compliance with the applicable opacity standard. The plan shall specify the frequency of visible emissions evaluations at the operations included in clauses (A) through (F). The plan shall include charging, pushing, lids and offtakes, doors, standpipes, and gas collector mains at coke production operations and lime plants.
- (ii) If the plan specifies that the duration of readings is less than one (1) hour per day at each facility, the plan shall include the basis for less frequent evaluations.
- (iii) The department shall disapprove the plan if it does not include all facilities or if the proposed duration and frequency will not provide for a reasonable assessment of compliance.
- (iv) Upon approval of a steel mill's plan by the department, the visible emissions evaluations shall commence and the data submitted to the department within one (1) month of the end of the calendar quarter.
- (v) The plan may be revised with department approval at any time.

(4) Fuel combustion boilers, as described in section 1(21)(A) of this rule shall comply as follows:

- (A) The requirements of this subdivision shall not relax the fuel monitoring and reporting requirements of 326 IAC 7-1.1-1 for the sources to which 326 IAC 6.8-2 through 326 IAC 6.8-7 and this rule apply.
- (B) Affected sources shall maintain records of the following information:
 - (i) Operational status of each facility for each day.
 - (ii) The daily measurements for each facility of the type of fuel used, amount of each type of fuel used, and heat content of each type of fuel used.
 - (iii) The TSP or PM₁₀ emission factors for each type of fuel to be used as estimated by the AP-42 or stack test method.
 - (iv) The method used to monitor the fuel amount and heat content in addition to the frequency.
 - (v) The control efficiency of the particulate control device and the method of determination.
 - (vi) Average daily PM₁₀ emissions (or TSP if applicable) for each facility, expressed in pounds per million British thermal units.
- (C) The following guidance may be used to estimate emissions:
 - (i) For heat content AP-42, Volume 1, Appendix A, Table A-3, "Typical Parameters of Various Fuels", Fifth Edition,

January 1995**, Supplements A through G, December 2000**.

(ii) For emission factors (TSP or PM₁₀), EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants"*.

(iii) For control equipment efficiency, manufacturer's warranty or as determined by source.

(iv) Sources may substitute other site-specific values for the values as indicated if they can be shown to be acceptable to the department.

*These documents are incorporated by reference and are available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

**This document is incorporated by reference and is available from U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 or the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6.8-8-5*)

326 IAC 6.8-8-6 Plan; particulate matter control equipment; operation and maintenance

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 6. This section concerns particulate matter control equipment operation and maintenance requirements. A continuous compliance plan shall provide that the following control equipment related information will be maintained at the source's property and will be available for inspection by department personnel:

- (1) Startup, shutdown, and emergency shutdown procedures.
- (2) Sources shall notify the department fifteen (15) days in advance of startup of either new control equipment or control equipment to which major modifications have been made.
- (3) Manufacturer's recommended inspection procedures, preventive and corrective maintenance procedures, and safety devices and procedures, such as sensors, alarm systems, and bypass systems. If manufacturer's recommendations are not available, procedures shall be developed by the source.
- (4) Contents of the operator's training program and the frequency with which the training is held.
- (5) A list of spare parts available at the facility.
- (6) A list of control equipment safety devices, for example, high temperature sensors and alarm systems, exhaust gas stream bypass system, or safety interlock system.
- (7) Monitoring and recording devices or instruments, or both, to monitor and record control equipment operating parameters specified in section 3(4) of this rule.

(*Air Pollution Control Board; 326 IAC 6.8-8-6*)

326 IAC 6.8-8-7 Plan; particulate matter control equipment; recording; operation; inspection

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 7. Particulate matter control equipment operation, recording, and inspection procedure requirements shall be as follows:

(1) A continuous compliance plan (CCP) for a facility controlled with a baghouse shall include the recording, inspection, and maintenance procedures to be consistent with the requirements of section 2 of this rule such as the following:

- (A) Operating parameters, such as the following:
- (i) Pressure drop across the baghouse.
 - (ii) Gas flow rate at baghouse inlet.
 - (iii) Gas temperatures at inlet.

A CCP shall identify the monitors and instrumentation and their location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emission evaluation program.

(B) Baghouse cleaning system. A complete description of the cleaning system, including such information as:

- (i) intensity;
- (ii) duration;
- (iii) frequency; and
- (iv) method of activation.

(C) Baghouse inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule must be approved by the department. Inspections shall include the following:

- (i) Daily inspections shall include the following:
 - (AA) Pressure drop.
 - (BB) Fan amperage.
 - (CC) Cleaning cycle.
 - (DD) Compressed air on pulse jet baghouses for values outside of the operating ranges.
 - (EE) Dust discharge equipment for proper operation.
 - (FF) General check for abnormal audible and visual conditions.
- (ii) Weekly inspections of the following:
 - (AA) Moving parts on discharge system.
 - (BB) Bypass and isolation damper operation.
 - (CC) Bag tension.
 - (DD) Compressed air lines, oilers, and filters.
 - (EE) Manometer lines.
 - (FF) Temperature indicating equipment.
 - (GG) Bag cleaning sequence.
 - (HH) Drive components on fans.
- (iii) Monthly inspections of the following:
 - (AA) Bag seating condition.
 - (BB) Moving parts on shaker baghouses.
 - (CC) Fan corrosion and blade wear.
 - (DD) Hoses and clamps.
 - (EE) Bags for leaks and holes.
 - (FF) Bag housing for corrosion.
- (iv) Quarterly inspections of the following:
 - (AA) Bags.
 - (BB) Ducts for dust build-up.
 - (CC) Damper valves for proper setting.
 - (DD) Door gaskets.
 - (EE) Baffle plate for wear.
- (v) Annual inspection of the following:
 - (AA) Welds and bolts.
 - (BB) Hoppers for wear.
 - (CC) Cleaning parts for wear.

(2) A CCP for a facility controlled by an electrostatic precipitator (ESP) shall include recording, inspection, and maintenance procedures to be consistent with the requirements of section 2 of this rule such as the following:

(A) Operating parameters, such as the following:

- (i) Gas flow rate.
- (ii) Temperature.
- (iii) Type and rate of gas conditioning agents used for resistivity control or resistivity measurements.
- (iv) Power input at each section of the ESP. A CCP shall identify monitors and instrumentation and specify location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emissions evaluation program.

(B) ESP inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule must be approved by the department. Inspections shall include the following:

- (i) Daily inspection of the following:
 - (AA) Fan amperage.
 - (BB) Temperature.
 - (CC) Gas conditioning agent flow rate or resistivity.
 - (DD) Electrical readings for values outside the operating range.
 - (EE) Hoppers and dust discharge system for proper operation.
 - (FF) Transformer-rectifier enclosures and bus ducts for abnormal arcing.

Corrective actions taken, if any, shall be recorded.

(ii) Weekly inspection of the following or as per manufacturer's recommendations:

- (AA) Rapper operation.
- (BB) Control set interiors.

(iii) Monthly inspection of the following:

- (AA) Fans for noise and vibration.
- (BB) Hopper heaters.
- (CC) Hopper level alarm operation.

(iv) Quarterly inspection of the following:

- (AA) Check rapper and vibrator switch contacts.
- (BB) Access door dog bolt and hinges.
- (CC) Interlock covers.
- (DD) Test connectors.
- (EE) Exterior for visual signs of deterioration.
- (FF) Abnormal vibration, noise, and leaks.

(v) Semiannual inspection of the following or as per manufacturer's recommendations:

- (AA) T-R liquid and surge arrestor spark gap.
- (BB) Conduct internal inspection.
- (CC) Top housing or insulator compartment and all electrical insulating surfaces, and correct any defective alignment.

(vi) Annual inspection of the following:

- (AA) Tightness of all electrical connections.
- (BB) Operation of switchgear.
- (CC) Rapper insulator connections.
- (DD) Observe and record areas of corrosion.

(3) A CCP for a facility controlled by a scrubber shall include the

recording, inspection, and maintenance procedures to be consistent with the objectives of section 2 of this rule such as the following:

(A) Operating parameters, such as the following:

- (i) Gas flow rate.
- (ii) Inlet and outlet temperatures of gas to and from scrubber.
- (iii) Liquid flow rate to scrubber.
- (iv) Pressure drop across scrubber.
- (v) pH of liquid to scrubber.
- (vi) Fan and pump currents.

A CCP shall specify the location, accuracy, precision, and calibration frequency of monitors and instrumentation.

(B) Scrubber inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule must be approved by the department. Inspections shall include the following:

(i) Daily inspection of the following:

- (AA) Scrubbing liquid flow rates to scrubber.
- (BB) Pressure drop across scrubber.
- (CC) Fan and pump amperages for values outside the operating range.

Corrective actions taken shall be recorded.

(ii) Monthly inspection of the following:

- (AA) Seals for abrasion.
- (BB) Corrosion and leaks.
- (CC) Fans for abrasion, corrosion, and solids build-up.
- (DD) Pipes for abrasion, corrosion, and plugging.
- (EE) Throat wear in the venturi scrubber.
- (FF) Sensors, alarm systems, and bypass devices for proper operation.
- (GG) Entrainment separator for blockage.
- (HH) Spray nozzles for plugging or excessive wear.

(Air Pollution Control Board; 326 IAC 6.8-8-7)

326 IAC 6.8-8-8 Plan; department review

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 8. (a) The department shall review the continuous compliance plan (CCP). The department may at any time request, in writing, any of the following:

(1) A CCP to be revised to include additional documentation or practices as needed to allow the department to verify that operation and maintenance practices critical to continuous compliance with the applicable mass and opacity limits are being followed.

(2) A compliance test to be conducted with the compliance test methods specified in this 326 IAC 6.8-2 through 326 IAC 6.8-7 and this rule if the department determines that the procedures specified in the CCP are not being followed or are inadequate to assure continuous compliance. The compliance test may consist of a series of opacity measurements of frequency and duration specified by the department or a stack test. The department may request that information be collected during the test to determine proper operation and maintenance procedures needed to assure

continuous compliance with applicable mass and opacity limits.

(b) The source shall respond, in writing, within thirty (30) days of a request per subsection (a). The source shall either provide an expeditious schedule, not to exceed sixty (60) days, for providing the information requested by the department or petition the department for an alternative to the request. A schedule for completion of an opacity compliance test shall not exceed thirty (30) days from the department's request. A source may petition the department for an alternative schedule based on practical problems in meeting the request.

(c) The source shall:

- (1) update the CCP, as needed;
- (2) retain a copy of any changes and updates to the CCP on the property;
- (3) make the updated CCP available for inspection by the department; and
- (4) submit the updated CCP, if required, to the department within thirty (30) days of the update.

(d) Failure to submit a CCP, maintain all information required by the CCP on plant property, or submit a required update to a CCP is a violation of 326 IAC 6.8-2 through 326 IAC 6.8-7 and this rule. Failure to respond to a request by the department under subsection (a) is a violation of 326 IAC 6.8-2 through 326 IAC 6.8-7 and this rule. The department may notify a source in writing of noncompliance with an action or procedure specified within a CCP and require that the source conduct a compliance test. If the compliance test demonstrates noncompliance with the applicable particulate matter or opacity limit, both the findings of noncompliance of the CCP and the compliance test shall be considered as violations of the applicable mass or opacity limit. A violation of an applicable particulate matter or opacity limit of 326 IAC 6.8-2 through 326 IAC 6.8-7 and this rule based either on a compliance test performed by the source or by observations or tests conducted by the department is a violation of 326 IAC 6.8-2 through 326 IAC 6.8-7 and this rule. (*Air Pollution Control Board; 326 IAC 6.8-8-8*)

Rule 9. Lake County: PM₁₀ Coke Battery Emission Requirements

326 IAC 6.8-9-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 1. The provisions of this rule shall apply to those sources located in Lake County that include a coke battery. (*Air Pollution Control Board; 326 IAC 6.8-9-1*)

326 IAC 6.8-9-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 2. The following definitions shall apply throughout this rule:

- (1) "Charging" has the meaning set forth in 326 IAC 1-2-10.
- (2) "Charge port" has the meaning set forth in 326 IAC 1-2-11.
- (3) "Coke oven battery" has the meaning set forth in 326 IAC 1-2-16.
- (4) "Coke oven topside" has the meaning set forth in 326 IAC 1-2-17.
- (5) "Coke-side" has the meaning set forth in 326 IAC 1-2-18.
- (6) "Gas collector main" has the meaning set forth in 326 IAC 1-2-31.
- (7) "Gooseneck cap" has the meaning set forth in 326 IAC 1-2-32.1.

- (8) "Jumper pipe" has the meaning set forth in 326 IAC 1-2-34.1.
- (9) "Larry car" has the meaning set forth in 326 IAC 1-2-35.
- (10) "Offtake piping" has the meaning set forth in 326 IAC 1-2-49.
- (11) "Oven door" has the meaning set forth in 326 IAC 1-2-50.
- (12) "Pushing" has the meaning set forth in 326 IAC 1-2-60.
- (13) "Push-side" has the meaning set forth in 326 IAC 1-2-61.
- (14) "Quench car" has the meaning set forth in 326 IAC 1-2-62.1.
- (15) "Quenching" has the meaning set forth in 326 IAC 1-2-63.
- (16) "Quench reservoir" has the meaning set forth in 326 IAC 1-2-63.1.
- (17) "Quench tower" has the meaning set forth in 326 IAC 1-2-63.2.
- (18) "Standpipe lid" has the meaning set forth in 326 IAC 1-2-77.
- (19) "Underfire" has the meaning set forth in 326 IAC 1-2-87.

(*Air Pollution Control Board; 326 IAC 6.8-9-2*)

326 IAC 6.8-9-3 Emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 3. (a) With the exceptions noted in this section, the coke batteries in Lake County shall comply with the following emission limits by December 10, 1993:

(1) Single-pass cap for oven door emissions. No visible emissions shall be permitted from more than ten percent (10%) of the observed coke oven doors on any coke oven battery. The number of coke-side doors and push-side doors shall be counted in determining compliance with this emission limit. Doors of ovens that are out of service, either temporarily or permanently, shall not be counted. A push door and a chuck door shall be counted as one (1) door. Compliance with this emission limit shall be determined in accordance with the procedure described in 326 IAC 11-3-4(c).

(2) Charging emissions. No visible emissions shall be permitted from the charging system for more than a cumulative total of one hundred twenty-five (125) seconds during five (5) consecutive charging periods. For the purpose of this subdivision, "charging system" means the equipment required to add coal to a coke battery. This includes a larry car, charge ports, jumper pipe, and offtake pipe. Compliance with this emission limit shall be determined in accordance with the procedure contained in 326 IAC 11-3-4(a).

(3) Pushing emissions. The following emission limits shall apply during pushing operations:

(A) The opacity of emissions from the coke-side of an oven to be pushed, before the first movement of the coke from the oven to the coke car begins, shall not exceed twenty percent (20%). The opacity shall be determined on an instantaneous basis at the top of the battery. The observer shall be positioned outside of the quench car rails.

(B) The opacity of emissions during the pushing operation shall not exceed twenty percent (20%). The pushing operation shall be considered to begin with the first movement of coke from the oven into the coke car and to end when the quench car enters the quench tower. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*, except that the readings shall be taken at fifteen (15) second intervals. Six (6) consecutive readings shall be averaged to determine the opacity. The observer shall only use those backgrounds that are above the elevation of the battery surface. If this condition cannot be met for six (6) consecutive readings, then the opacity

shall be determined using the lesser number of consecutive readings.

(C) The particulate emissions from the control device stack shall not exceed four-hundredths (0.04) pound per ton of coke pushed. Compliance with this emission limit shall be determined by 40 CFR 60, Appendix A, Method 5*.

(4) Charge port lid emissions. No visible emissions shall be permitted from more than three percent (3%) of the total charge port lids on operating ovens of a coke oven battery. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(b).

(5) Offtake piping emissions. No visible emissions shall be permitted from more than five percent (5%) of the total offtake piping on any coke oven battery. At no time shall the visible emissions from any gooseneck cap opening exceed twenty percent (20%). An exclusion from this opacity limit shall be allowed for two (2) minutes after a gooseneck cap is opened. The opacity shall be determined on an instantaneous basis. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(b).

(6) Gas collector main emissions. No visible emissions shall be permitted from the gas collector main. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(e). Caps on the main shall be exempt from this requirement during maintenance.

(7) Quenching emissions at USS. At a minimum, the following procedures and practices shall be followed:

(A) The quench water, as applied to the coke, shall not exceed one thousand five hundred (1,500) milligrams per liter dissolved solids.

(B) A source shall submit the following information regarding its quenching operation in its CCP required to be submitted by 326 IAC 6.8-8-1:

(i) The source of quench water, for example, Lake Michigan water only, or a mixture of Lake Michigan water, spent quench water, process water, and miscellaneous sources of nonprocess water.

(ii) The volume of quench water and the proportion of each source of water.

(C) All coke oven towers shall be equipped with baffles. Baffles shall cover ninety-five percent (95%) or more of the cross-sectional area of the exhaust vent or stack for straight quench towers and must be maintained in operable condition. For offset quench towers numbers 2 and 3 at US Steel, the number and arrangement of baffles in the tower shall be maintained as designed. The source shall submit quench tower drawings showing baffle arrangement to the department and the U.S. EPA on or before December 10, 1993. Compliance with the quench tower baffle requirement shall be determined by comparison of the number and arrangement of baffles with the submitted plans.

(8) Underfire emissions requirements shall be as follows:

(A) Particulate emissions from underfire stacks shall be limited by the emission limitations contained in 326 IAC 6.8-2.

(B) Visible emissions from underfire stacks shall comply with the requirements set forth in 326 IAC 5-1-2.

(9) Precarbonization emissions requirements shall be as follows:

(A) Particulate emissions from precarbonization towers shall be limited by the emission limitations contained in 326 IAC 6.8-2.

(B) Visible emissions from precarbonization towers shall

comply with the requirements set forth in 326 IAC 5.

(b) The coke batteries at Inland Steel, instead of subsection (a)(3), (a)(5), and (a)(8) shall comply with the requirements of 326 IAC 6.8-7-5(4).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or available for review and copying at the Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6.8-9-3*)

Rule 10. Lake County: Fugitive Particulate Matter

326 IAC 6.8-10-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the following:

(1) The following facilities and operations at a source having the potential to emit five (5) tons per year fugitive particulate matter into the atmosphere in Lake County:

- (A) Paved roads and parking lots.
- (B) Unpaved roads and parking lots.
- (C) Material transfer.
- (D) Wind erosion from storage piles and exposed areas.
- (E) Material transportation activities.
- (F) Material processing facilities with capacity equal to or greater than ten (10) tons per hour. The mass and opacity limits for emissions in this rule are not applicable to such facilities specifically listed in 326 IAC 6.8-2 through 326 IAC 6.8-8. However, fugitive emissions from such facilities are subject to this rule.

- (G) Dust handling equipment.
- (H) Any other facility or operation with a potential to emit fugitive particulate matter and not included in this section.

(2) The following sources located in Lake County:

- (A) Amoco Oil, Whiting Refinery.
- (B) Beemsterboer Slag & Ballast Corporation.
- (C) Bucko Construction.
- (D) Dietrich Industries.
- (E) Equilon Enterprises, LLC.
- (F) General Transportation.
- (G) Great Lakes Industrial Center.
- (H) Industrial Scrap.
- (I) Inland Steel Corporation.
- (J) LTV Steel Corporation.
- (K) Marblehead Lime Company.
- (L) Matlack Bulk Intermodal Services.
- (M) Mid Continental Coal & Coke Company.
- (N) NIPSCO-Mitchell.
- (O) Ozinga Brothers.
- (P) Praxair, Linde SP Gas.
- (Q) Praxair, Oxygen Plant.
- (R) Reed Minerals.
- (S) Safety-Kleen Corporation.
- (T) State Line Energy, LLC.
- (U) Union Tank Car Co.
- (V) USS-Gary Works.
- (W) Wolf Lake Terminal.

(3) New sources required to be registered or permitted under 326

IAC 2-5.1 with total uncontrolled PM₁₀ fugitive particulate matter emissions equal to or greater than five (5) tons per year.

(4) The independent contractors, companies, and corporations performing byproduct processing recycling activities, waste disposal, or any other activities that may result in uncontrolled PM₁₀ emissions of five (5) tons per year or more.

(5) Any subsequent owner or operator of a source or facility covered by this section.

(b) The amount of uncontrolled PM₁₀ emissions emitted from a facility or source shall be determined by applying the method contained in "Compilation of Air Pollutant Emission Factors", Volume 1: Stationary Point and Area Sources, AP-42 Fifth Edition, January 1995*, Supplements A through G, December 2000**.

*/**These documents are incorporated by reference and are available from the Government Printing Office, 732 Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 6.8-10-1)

326 IAC 6.8-10-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 2. The following definitions apply throughout this rule:

- (1) "Affected facilities" means the sources of fugitive emissions listed in section 1(a) of this rule.
- (2) "Batch transfer" means transfer of material onto or out of storage piles by front end loaders, trucks, or cranes.
- (3) "Capacity" means the sum of all throughputs to the first introduction point of all the processing lines on a plant property.
- (4) "Capture system" means the equipment used to capture and transport particulate matter generated by one (1) or more process equipment to a control device, including the following:
 - (A) Enclosures.
 - (B) Hoods.
 - (C) Ducts.
 - (D) Fans.
 - (E) Dampers.
- (5) "Continuous transfer" means transfer of material onto or out of storage piles by conveyor.
- (6) "Control device" means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere.
- (7) "Dust handling equipment" means the equipment used to handle dust collected by control equipment, such as, but not limited to, a conveyor used to transfer dust from a control equipment hopper to a temporary storage container. A truck is an example of a temporary storage container. Both a conveyor and temporary storage container, in this case, are dust handling equipment.
- (8) "Exposed areas" means unused areas on plant property that cannot be defined as a paved or unpaved road or parking lot, storage pile, or associated area that have the potential to emit particulate emissions by wind action.
- (9) "Fugitive particulate matter" means any particulate matter emitted into the atmosphere other than through a stack.
- (10) "Inplant transportation" means transportation of material on plant transportation routes, such as railroads and plant roads, in equipment such as trucks, railroad cars, front end loaders,

conveyors, and skip hoists. The inplant transportation might be from:

- (A) one (1) process to another;
- (B) process equipment to waste disposal and reclamation sites; or
- (C) one (1) storage pile to another.

This includes, for example, hauling of slag from slag pits to the slag processing facility on the plant property.

(11) "Material" means raw process material, byproduct, intermediate product, waste product, final product, and dust collected by control equipment, having proportion of loose, dry dust equal to or greater than five-tenths percent (0.5%) as measured by the ASTM C-136 method*, having potential to emit particulate emissions when disturbed by transfer, processing, and transportation activities defined in this rule. Material may include the following:

- (A) Sand.
- (B) Limestone.
- (C) Coal.
- (D) Gypsum.
- (E) Slag.
- (F) Gravel.
- (G) Clay.
- (H) Cement.
- (I) Ores.
- (J) Grain.

(12) "Material processing facilities" means the equipment, or the combination of different types of equipment, used to process material for use in the plant or for commercial sale. The following sources are examples of these types of facilities:

- (A) Power generation plants.
- (B) Portland cement manufacturing plants.
- (C) Asphalt concrete manufacturing plants.
- (D) Concrete manufacturing plants.
- (E) Lime manufacturing plants.
- (F) Iron and steel manufacturing plants, which include blast furnaces and basic oxygen furnaces.
- (G) Sinter plants.
- (H) Coal and coke preparation plants.
- (I) Slag processing plants.
- (J) Brick manufacturing plants.
- (K) Grain processing elevators.
- (L) Food and feed manufacturing plants.

Equipment includes initial crusher, screen, grinder, mixer, dryer, belt conveyor, bucket elevator, bagging operation, storage bin, and truck or railroad car loading station.

(13) "Material transfer" means the transfer of material:

- (A) from process equipment onto the ground;
- (B) from the ground into hauling equipment;
- (C) from hauling equipment onto a storage pile;
- (D) from a storage pile into hauling equipment for transport; or
- (E) into an initial hopper for further processing.

Dumping of slag from blast furnaces or basic oxygen furnaces into the slag pits and subsequent transfer to the hauling vehicle and initial hopper at the slag processing facility is an example of material transfer.

(14) "Paved road" means an asphalt or concrete surfaced thoroughfare or right-of-way designed or used for vehicular traffic.

(15) "Processing line" means material processing equipment connected by a conveying system. The term does not include

transfer from a conveyor to a storage pile.

(16) "Silt content" means the mass of an aggregate sample smaller than seventy-five (75) microns in diameter as determined by dry sieving. Silt content may be determined by using the procedures in AP-42 "Silt Analysis" Appendix C.2.3, Fifth Edition, January 1995**, Supplements A through G, December 2000***.

(17) "Stack emissions" means the particulate matter that is released to the atmosphere from a confined opening like the exit of a control device or a chimney.

(18) "Storage pile" means any outdoor storage on a source's property of material as defined in subdivision (11).

(19) "Surface silt loading" means the mass of loose surface dust on a paved road, per length of road, as determined by dry vacuuming. Surface silt loading may be determined by using the procedures specified in the U.S. EPA guideline document Iron and Steel Plant Open Source Fugitive Emission Evaluation", U.S. EPA 600/2-79-103, Appendix B****.

(20) "Transfer point" means a point in a conveying operation where the material is transferred to or from a belt conveyor, except where the material is being transferred to a storage pile.

(21) "Unpaved road" means a thoroughfare or right-of-way other than a paved road designed or used for vehicular traffic.

(22) "Vent" means an opening through which there is mechanically induced airflow for the purpose of exhausting air carrying particulate matter emissions from one (1) or more items of material processing equipment from a building.

*These documents are incorporated by reference and are available for review and copying at the Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

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326 IAC 6.8-10-3 Particulate matter emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. The following are particulate matter emission limitations:

(1) Paved roads and parking lots. The average instantaneous opacity of fugitive particulate emissions from a paved road shall not exceed ten percent (10%). A source shall implement the control measures specified by section 4(3)(F) of this rule within twenty-four (24) hours after notification by the department or the U.S. EPA of violating the average instantaneous opacity limit. A violation of the instantaneous average opacity limits in this

section is a violation of this article. In addition, when requested by the department or the U.S. EPA after an exceedance of the opacity limit is observed by a representative of either agency, the source shall initiate a compliance check with the surface silt loading limit. The department may require a revision of the control plan under section 4(8) of this rule if the test shows an exceedance of the surface silt loading limit. The average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

- (A) The first will be taken at the time of emission generation.
- (B) The second will be taken five (5) seconds later.
- (C) The third will be taken five (5) seconds later or ten (10) seconds after the first.

The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand approximately fifteen (15) feet from the plume and at approximately right angles to the plume. Each reading shall be taken approximately four (4) feet above the surface of the roadway or parking area.

(2) Unpaved roads and parking lots. The average instantaneous opacity of fugitive particulate emissions from an unpaved road shall not exceed ten percent (10%). The department may request a revision of the control plan under section 4(8) of this rule if an observation shows an exceedance of the average instantaneous opacity limit. This revision may be instead of, or in addition to, pursuing an enforcement action for a violation of the limit. Average instantaneous opacity shall be determined according to the procedure described in subdivision (1). The fugitive particulate emissions from unpaved roads shall be controlled by the implementation of a work program and work practice under the control plan required in section 4 of this rule.

(3) Material transfer limits shall be as follows:

- (A) The average instantaneous opacity of fugitive particulate emissions from batch transfer shall not exceed ten percent (10%). The average instantaneous opacity shall consist of the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) batch loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand approximately fifteen (15) feet from the plume and at approximately right angles to the plume.
- (B) Where adequate wetting of the material for fugitive particulate emissions control is prohibitive to further processing or reuse of the material, the opacity shall not exceed ten percent (10%), three (3) minute average. This includes material transfer to the initial hopper of a material processing facility as defined in section 2 of this rule or material transfer for transportation within or outside the source property including, but not limited to, the following:

- (i) Transfer of slag product for use by asphalt plants from a:
 - (AA) storage pile to a front end loader; and
 - (BB) front end loader to a truck.
- (ii) Transfer of sinter blend for use at the sinter plant from a:
 - (AA) storage pile to a front end loader;
 - (BB) front end loader to a truck; and
 - (CC) truck to the initial processing point.
- (iii) Transfer of coal for use at a coal processing line from a:
 - (AA) storage pile to a front end loader; and
 - (BB) front end loader to the initial hopper of a coal processing line.

Compliance with any operation lasting less than three (3)

minutes shall be determined as an average of consecutive observations recorded at fifteen (15) second intervals for the duration of the operation.

(C) Slag and kish handling activities at integrated iron and steel plants shall comply with the following particulate emissions limits:

(i) The opacity of fugitive particulate emissions from transfer from pots and trucks into pits shall not exceed twenty percent (20%) on a six (6) minute average.

(ii) The opacity of fugitive particulate emissions from transfer from pits into front end loaders and from transfer from front end loaders into trucks shall comply with the fugitive particulate emission limits in subdivision (9).

(4) The opacity of fugitive particulate emissions from continuous transfer of material onto and out of storage piles shall not exceed ten percent (10%) on a three (3) minute average. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*. The opacity readings shall be taken at least four (4) feet from the point of origin.

(5) Wind erosion from storage piles and exposed areas. The opacity of fugitive particulate emissions from storage piles shall not exceed ten percent (10%) on a six (6) minute average. These limitations may not apply during periods when application of fugitive particulate control measures are either ineffective or unreasonable due to sustained very high wind speeds. During such periods, the company must continue to implement all reasonable fugitive particulate control measures and maintain records documenting the application of measures and the basis for a claim that meeting the opacity limitation was not reasonable given prevailing wind conditions. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand approximately fifteen (15) feet from the plume and at approximately right angles to the plume. The opacity of fugitive particulate emissions from exposed areas shall not exceed ten percent (10%) on a six (6) minute average. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*.

(6) Material transportation activities shall include the following:

(A) There shall be a zero percent (0%) frequency of visible emission observations of a material during the inplant transportation of material by truck or rail at any time. Material transported by truck or rail that is enclosed and covered shall be considered in compliance with the inplant transportation requirement. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 22*, except that the observation shall be taken at approximately right angles to the prevailing wind from the leeward side of the truck or railroad car.

(B) The opacity of fugitive particulate emissions from the inplant transportation of material by front end loaders and skip hoists shall not exceed ten percent (10%). Compliance with this limitation shall be determined by the average of three (3) opacity readings taken at five (5) second intervals. The three (3) opacity readings shall be taken as follows:

- (i) The first will be taken at the time of emission generation.
- (ii) The second will be taken five (5) seconds later.
- (iii) The third will be taken five (5) seconds later or ten (10) seconds after the first.

The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet from the plume approximately and at right angles to the plume.

Each reading shall be taken approximately four (4) feet above the surface of the roadway or parking area.

(7) Material processing facilities shall include the following:

(A) The PM₁₀ stack emissions from a material processing facility shall not exceed twenty-two thousandths (0.022) grain per dry standard cubic foot and ten percent (10%) opacity. Compliance with the concentration limitation shall be determined using the test methods found in 326 IAC 6.8-4. Compliance with the opacity limitation shall be determined by 40 CFR 60, Appendix A, Method 9*.

(B) The opacity of fugitive particulate emissions from a material processing facility, except crusher at which a capture system is not used, shall not exceed ten percent (10%). Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9*.

(C) The opacity of fugitive particulate emissions from a crusher at which a capture system is not used shall not exceed fifteen percent (15%). Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9*.

(D) There shall be a zero percent (0%) frequency of visible emission observations from a building enclosing all or a part of the material processing equipment except from a vent in the building. Compliance with this standard shall be determined by 40 CFR 60, Appendix A, Method 22*.

(E) The PM₁₀ emissions from building vents shall not exceed twenty-two thousandths (0.022) grains per dry standard cubic foot and ten percent (10%) opacity. Compliance with the concentration standard shall be determined by 40 CFR 60, Appendix A, Method 5 or 17, and with the opacity standard by 40 CFR 60, Appendix A, Method 9*.

(8) Dust handling equipment. The opacity of particulate emissions from dust handling equipment shall not exceed ten percent (10%). Compliance with this standard shall be determined by 40 CFR 60, Appendix A, Method 9*.

(9) Any facility or operation not specified in this section shall meet a twenty percent (20%), three (3) minute opacity standard. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9*, except that the opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals. Compliance of any operation lasting less than three (3) minutes shall be determined as an average of consecutive observations recorded at fifteen (15) second intervals for the duration of the operation.

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326 IAC 6.8-10-4 Compliance requirements; control plans

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 4. Control plans shall include the following:

(1) Within six (6) months of June 11, 1993, a source to which this rule applies shall submit a control plan that, when fully implemented, will achieve compliance with the applicable emission limitations stated in section 3 of this rule. Failure to submit a control plan in accordance with this rule shall be considered a

violation of this article. A control plan shall also be included as part of a construction permit application under 326 IAC 2-5.1.

(2) A control plan, upon submittal to the department, shall become part of a source's operating permit or registration conditions.

(3) The following information:

(A) The name and address:

- (i) of the source and location, if the source is located on another source's property; and
- (ii) if different from that of the source, of the owner or operator responsible for the execution of the plan.

(B) Identification of the facilities or operations listed in section 1(a)(1) of this rule and those affected by 326 IAC 6.8-2 through 326 IAC 6.8-7 that exist at the source.

(C) A map showing the location of all:

- (i) unpaved roads;
- (ii) paved roads;
- (iii) parking lots;
- (iv) storage piles;
- (v) material processing facilities;
- (vi) dust handling equipment;
- (vii) material transfer points; and
- (viii) waste disposal and reclamation sites.

(D) A full description of the facilities on the map, including the following information, where applicable:

- (i) The road lengths and widths, average daily traffic, surface silt loading, classification of vehicle traffic, and other data necessary to estimate PM₁₀ emissions from paved and unpaved roads and parking lots.
- (ii) A description of each storage pile, including the type of material in the pile, its moisture content, the silt content, the throughput, and the equipment used to load onto and load off of the storage piles.
- (iii) A complete description of the material processing facilities on the plant property, including a material flow diagram of the processing lines, the rated capacity of each piece of equipment, and the existing control equipment and their efficiencies, including the process equipment served.
- (iv) A complete description of the material transfer, inplant transportation, and dust handling equipment. Material transfer operations shall include, at a minimum, those operations contained in section 2(13) of this rule.
- (v) A complete description of all other fugitive particulate matter emitting facilities not covered in this clause.

(E) The description of the proposed control measures and practices that the source will employ to achieve compliance with the emission limitations and data that prove its effectiveness.

(F) A list of the conditions that will prevent control measures and practices from being applied and alternative control practices and measures that will achieve compliance with the emission limitations.

(G) A schedule for achieving compliance with the provisions of the control plan. The schedule shall specify the time required to:

- (i) award necessary contracts; and
- (ii) begin and complete construction and installation.

Final compliance shall be achieved no later than December 10, 1993.

(4) The source shall keep the following documentation to show compliance with each of its control measures and control practices:

(A) A map or diagram showing the location of all emission sources controlled, including the location, identification, length, and width of roadways.

(B) For each application of water or chemical solution to roadways, the following shall be recorded:

- (i) The name and location of the roadway controlled.
- (ii) The application rate.
- (iii) The time of each application.
- (iv) The width of each application.
- (v) Identification of each method of application.
- (vi) The total quantity of water or chemical used for each application.
- (vii) For each application of chemical solution, the concentration and identity of the chemical.
- (viii) The material data safety sheets for each chemical.

(C) For application of physical or chemical control agents not covered by clause (B), the following:

- (i) The name of the agent.
- (ii) The location of application.
- (iii) The application rate.
- (iv) The total quantity of agent used.
- (v) If diluted, the percent of concentration.
- (vi) The material data safety sheets for each chemical.

(D) A log recording incidents when control measures were not used and a statement of explanation.

(E) Copies of all records required by this rule shall be submitted to the department within twenty (20) working days of a written request by the department.

(F) The records required under this subdivision shall be:

- (i) kept and maintained for at least three (3) years; and
- (ii) available for inspection and copying by department representatives during working hours.

(G) A quarterly report shall be submitted to the department stating the following:

- (i) The dates any required control measures were not implemented.
- (ii) A listing of those control measures.
- (iii) The reasons that the control measures were not implemented.
- (iv) Any corrective action taken.

This report shall be submitted to the department thirty (30) calendar days from the end of a quarter. Quarters end March 31, June 30, September 30, and December 31.

(5) A source shall consult "Compilation of Air Pollutant Emission Factors", Volume 1: Stationary Point and Area Sources, AP-42 Fifth Edition, January 1995*, Supplements A through G, December 2000** and Control of Open Sources of Fugitive Dust, U.S. EPA, September 1988** to determine the following:

- (A) The information needed.
- (B) The effectiveness of the applicable control practices and measures.

(6) A source listed under section 1(a)(2) of this rule shall be exempt from this rule if it can demonstrate to the department that its uncontrolled PM₁₀ emissions are less than five (5) tons per year. An exemption must be approved by both the department and by the U.S. EPA as a revision to the state implementation plan.

(7) The evaluation of a control plan by the department and U.S. EPA or a request for exemption from the requirement to submit a control plan shall be based on the following criteria:

- (A) The completeness of the description of the affected facilities located on the plant property.

(B) The accuracy of the methods and procedures used to determine the applicability of the rule.

(C) The completeness of the description of control measures and practices proposed by the source and any alternative control measures, and the accuracy of the data and calculations that document compliance with the emission limitations.

(D) The completeness of the data recording protocol for determining compliance with the control measures and practices.

(8) The department may require that a source revise its control plan if either of the following apply:

(A) A test of surface silt loading on a paved road shows that the loading is greater than one hundred (100) pounds per mile averaged over five (5) roads or five (5) road sections. The surface silt loading shall be determined using the sampling and analysis procedures in the U.S. EPA guidance document EPA 600/2-79-103, "Iron and Steel Plant Open Source Fugitive Emission Evaluation", Appendix B***.

(B) The department's evaluation under subdivision (7) determines that the requirements of the control plan have not been met.

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Rule 11. Lake County: Particulate Matter Contingency Measures

326 IAC 6.8-11-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 4-21.5; IC 13-12

Sec. 1. This rule shall apply to the following sources of PM₁₀ emissions located in Lake County:

- (1) Any source listed in 326 IAC 6.8-2.
- (2) All sources of fugitive particulate emissions to which 326 IAC 6.8-10-1(a) applies.
- (3) Any source that is identified by the department in a culpability study as causing or contributing to an exceedance or violation of the PM₁₀ standard.
- (4) Any other source with potential PM₁₀ emissions equal to or greater than ten (10) tons per year.

(*Air Pollution Control Board; 326 IAC 6.8-11-1*)

326 IAC 6.8-11-2 "Ambient monitoring data" defined

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 2. As used in this rule, "ambient monitoring data" means data that has been collected in accordance with 40 CFR 58* and

has been verified by the department as quality assured in accordance with quality assurance procedures.

*This document is incorporated by reference and is available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or is available for review and copying at the Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6.8-11-2*)

326 IAC 6.8-11-3 Exceedances

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. (a) If the department's review of ambient monitoring data from Lake County by the department reveals an exceedance of the twenty-four (24) hour ambient air quality standard for PM₁₀, the department shall undertake a culpability study to determine the source or sources causing or contributing to the exceedance. An exceedance means a daily value that is above the level of the twenty-four (24) hour standard after rounding to the nearest ten (10) micrograms per cubic meter. In determining whether a source has caused or contributed to an exceedance of the twenty-four (24) hour ambient air quality standard for PM₁₀, the department shall take whatever steps as are necessary to determine which source or sources are culpable for the exceedance, including, but not limited to, the following:

- (1) Evaluating whether the exceedance should be classified as an exceptional event pursuant to "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events, EPA 450/4-88-007*".
- (2) Reviewing operating records of the source or sources identified under subdivisions (3) through (4) to determine whether any source or sources so identified experienced a malfunction or breakdown or violated any term or condition of its operating permit or applicable rule that contributed to the exceedance.
- (3) Evaluating the monitoring equipment filter evidencing the exceedance to determine the type of source or sources that contributed to the exceedance.
- (4) Evaluating meteorological data and conducting dispersion analyses pursuant to the "Guideline on Air Quality Models, Appendix W of 40 CFR Part 51", EPA 450/2-78-027R* to determine which source or sources caused or contributed to the exceedance, as needed.

(b) If the department determines that an exceedance can be classified as an exceptional event, the department shall make no request upon any source for voluntary controls.

(c) If the department determines that an exceedance would not have occurred except for a malfunction or violation of:

- (1) any term or condition of a source's operating permit; or
- (2) a rule adopted by the board;

the department shall pursue enforcement or other appropriate action and shall make no request upon any source under the provisions of this article.

(d) Following any exceedance of the twenty-four (24) hour ambient air quality standard for PM₁₀ and upon completion of the culpability study described in section 3 of this rule, the department shall notify the source or sources that the department has identified

as likely to have caused or contributed to the exceedance and request that the source or sources voluntarily implement controls that will reduce the source's PM₁₀ emissions by fifteen percent (15%). The department's notification shall include the results of the culpability study. The department shall request a reduction less than fifteen percent (15%) if the culpability study demonstrates that a lesser percent reduction would ensure that no further exceedance will occur under the same circumstances. If the department determines that a single facility at a source caused or significantly contributed to the exceedance, then the department will request that voluntary reductions be implemented only at the specific facility.

*These documents are incorporated by reference and are available from U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 or are available for review and copying at the Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6.8-11-3*)

326 IAC 6.8-11-4 Violation of 24 hour standard

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 4-21.5; IC 13-15; IC 13-17

Sec. 4. (a) If there is a violation of the twenty-four (24) hour ambient air quality standard for PM₁₀, as determined in accordance with 40 CFR 50, Appendix K*, and prior to a finding of failure to attain by the administrator of U.S. EPA, the department shall conduct a comprehensive culpability study as described in section 3(a) of this rule for each occurrence that contributed to the violation. Upon completion of the culpability study, the department shall notify the following sources:

- (1) Any source whose total source-wide PM₁₀ emissions contributed more than twenty-five (25) micrograms per cubic meter to the total concentration at the sampling site on any of the sampling days that contributed to the violation.
- (2) Any source where a specific facility at the source contributed more than five (5) micrograms per cubic meter to the total concentration at the sampling site on any of the sampling days that contributed to the violation.

The department's notification shall include the results of the culpability study.

(b) Within forty-five (45) days of receipt of the notification under subsection (a), the source or sources shall submit to the department the following information:

- (1) Any source whose total source-wide PM₁₀ emissions contributed more than twenty-five (25) micrograms per cubic meter to the total concentration at the sampling site on any of the sampling days that contributed to the violation shall submit reduction measures that will reduce the source's actual source-wide PM₁₀ emissions by twenty-five percent (25%). A source may substitute other proposed actual emission reductions upon a demonstration that the ambient air quality impact will be equivalent or greater than a source-wide twenty-five percent (25%) reduction.
- (2) Any source where a specific facility at the source contributed more than five (5) micrograms per cubic meter to the total concentration at the sampling site on any of the sampling days that contributed to the violation shall submit reduction measures that will reduce the facility's actual emissions by twenty-five percent (25%). A source may substitute other proposed actual

emission reductions upon a demonstration that the ambient air quality impact will be equivalent or greater than a facility-wide twenty-five percent (25%) reduction.

If the culpability study demonstrates that a percent less than twenty-five percent (25%) would ensure that no further violation of the twenty-four (24) hour PM₁₀ standard will occur, under the same circumstances, the department will specify what percent reduction will be required to ensure that no further violations occur.

(c) A source may, instead of the information required in subsection (b), submit an analysis that determines that the source's contribution to the violation twenty-five (25) micrograms per cubic meter or less or, in the case of a facility, five (5) micrograms per cubic meter or less. After reviewing this information, the department shall determine whether the source shall comply with the emission reduction required in subsection (b). The department's decision is subject to IC 4-21.5.

*This document is incorporated by reference and is available from the Government Printing Office, 732 North Capitol NW, Washington, D.C. 20401 or is available for review and copying at the Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6.8-11-4*)

326 IAC 6.8-11-5 Violation of annual standard

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 13-15; IC 13-17

Sec. 5. If there is a violation of the annual ambient air quality standard for PM₁₀ as determined in accordance with 40 CFR 50, Appendix K*, and prior to a finding of failure to attain by the administrator of the U.S. EPA, the department shall conduct a comprehensive culpability study as described in section 3 of this rule for each occurrence that caused or contributed to the violation. Upon completion of the culpability study, the department shall notify the following sources:

- (1) Any source whose total source-wide PM₁₀ emissions contributed more than five (5) micrograms per cubic meter to the total concentration at the sampling site on any of the sampling days that contributed to the violation.
- (2) Any source where a specific facility at the source contributed more than one (1) microgram per cubic meter to the total concentration at the sampling site on any of the sampling days that contributed to the violation.

The department's notification shall include the results of the culpability study.

*This document is incorporated by reference and is available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or is available for review and copying at the Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6.8-11-5*)

326 IAC 6.8-11-6 Reduction measures

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
 Affected: IC 4-21.5; IC 13-15; IC 13-17

Sec. 6. (a) Within forty-five (45) days of receipt of the notification

under section 5 of this rule, the source or sources shall submit to the department the following information:

(1) Any source whose total source-wide PM₁₀ emissions contributed more than five (5) micrograms per cubic meter to the total concentrations at the sampling site on any of the sampling days that contributed to the violation shall submit reduction measures that will reduce the source's actual source-wide PM₁₀ emissions by twenty-five percent (25%). A source may substitute other proposed actual PM₁₀ emission reductions upon a demonstration that the ambient air quality impact will be equivalent or greater than source-wide reductions.

(2) Any source where a specific facility at the source contributed more than one (1) microgram per cubic meter at the sampling site on any of the sampling days that contributed to the violation shall submit reduction measures that will reduce the facility's actual emissions by twenty-five percent (25%). A source may substitute other proposed actual PM₁₀ emission reductions upon a demonstration that the ambient air quality impact will be equivalent or greater than facility-wide reductions. If the culpability study demonstrates that a percent less than twenty-five percent (25%) would ensure that no further violation of the annual PM₁₀ standard will occur, under the same circumstances, the department will specify what percent reduction will be required to ensure that no further violations occur.

(b) A source may, instead of the information required in subsection (a), submit an analysis that demonstrates that the source's contribution to the violation is five (5) micrograms per cubic meter (µg/m³) or less or, in the case of a facility, less than one (1) microgram per cubic meter. After reviewing this information, the department shall determine whether the source shall comply with the emission reductions required in section 4(c) of this rule. The department's decision is subject to IC 4-21.5.

(c) At the time of the submittal of the reduction measures, the source shall request that the department immediately incorporate the reduction measures into the source's Title V permit as described in 326 IAC 2-7 or its federally enforceable state operating permit (FESOP) as described in 326 IAC 2-8. If the source does not have a Title V operating permit or a FESOP, the source shall request that the department submit the reduction measure to U.S. EPA as an SIP revision.

(d) The department may commence rulemaking to incorporate the approved reduction measures into 326 IAC 6.8-2 through 326 IAC 6.8-8 and 326 IAC 6.8-10 as appropriate.

(e) The source shall implement the reduction measures within one hundred eighty (180) days of the department's initial notification or such sooner time as may be feasible given the nature of the reduction measures, regardless of the department's approval, disapproval, or request for additional information unless a petition under subsection (b) or section 4(c) of this rule has been submitted. Upon a showing by a source that one hundred eighty (180) days is infeasible for implementation of the reduction measures, the commissioner may extend the deadline, provided that the source implements interim reduction measures for the period of time necessary to implement the permanent measures. Such interim measures shall be put in place within thirty (30) days of the commissioner's approval of the requested extension.

(f) If, after review of the reduction measures, the department

does not agree that the measures will achieve the required reduction, the department will notify the source. The source will have forty-five (45) days from receipt of the notice in which to resubmit a plan that adequately addresses the deficiencies. Failure to resubmit a plan that ensures reductions in PM₁₀ emissions constitutes a violation of this article.

(g) A source that is required to resubmit reduction measures shall implement the approved measures within ninety (90) days of the department's approval. (Air Pollution Control Board; 326 IAC 6.8-11-6)

SECTION 3. THE FOLLOWING ARE REPEALED: 326 IAC 6-1-1; 326 IAC 6-1-1.5; 326 IAC 6-1-2; 326 IAC 6-1-3; 326 IAC 6-1-4; 326 IAC 6-1-5; 326 IAC 6-1-6; 326 IAC 6-1-7; 326 IAC 6-1-8.1; 326 IAC 6-1-9; 326 IAC 6-1-10.1; 326 IAC 6-1-10.2; 326 IAC 6-1-11.1; 326 IAC 6-1-11.2; 326 IAC 6-1-12; 326 IAC 6-1-13; 326 IAC 6-1-14; 326 IAC 6-1-15; 326 IAC 6-1-16; 326 IAC 6-1-17; 326 IAC 6-1-18.

Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8, and IC 13-14-9, notice is hereby given that on January 5, 2005 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Air Pollution Control Board will hold a public hearing on new articles 326 IAC 6.5, 326 IAC 6.8, and repeal of 326 IAC 6-1.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new article. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

*Attn: ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015*

*Indianapolis, Indiana 46206-6015
or call (317) 233-0855, TDD: (317) 232-6565. Speech and hearing impaired callers may also contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

#04-181(APCB)

DEVELOPMENT OF NEW RULES CONCERNING NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUT-

ANTS FOR SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS AND SURFACE COATING OF PLASTIC PARTS AND PRODUCTS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules concerning national emission standards for hazardous air pollutants for surface coating of miscellaneous metal parts and plastic parts. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 20-80; 326 IAC 20-81.

AUTHORITY: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

The 1990 Amendments to the Clean Air Act require the United States Environmental Protection Agency (U.S. EPA) to regulate major sources of hazardous air pollutants (HAPs). A major source is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that has the potential to emit, considering controls, ten (10) tons per year or more of any single HAP or twenty-five (25) tons per year or more of any combination of HAPs. HAPs are listed by U.S. EPA because they are either known or suspected to cause cancer or other serious health effects. There are currently one hundred eighty-eight (188) HAPs listed in the Clean Air Act. On July 16, 1992, U.S. EPA published a list of industrial groups or source categories that emit one (1) or more of the one hundred eighty-eight (188) listed HAPs (57 FR 311576). The Clean Air Act requires U.S. EPA to develop emission standards, referred to as national emission standards for hazardous air pollutants (NESHAPs), that require the application of air pollution reduction measures based on maximum achievable control technology (MACT) for the listed source categories. The "MACT floor" is the minimum control level allowed for NESHAPs and ensures that the standard is set at a level that assures that all existing major sources achieve a level of control at least as stringent as that already achieved by the better-controlled and lower-emitting sources in each source category or subcategory. For new sources, the MACT floor cannot be less stringent than the emission control that is achieved in practice by the best-controlled similar source.

On January 2, 2004, U.S. EPA promulgated the NESHAP for surface coating of miscellaneous metal parts and products and on April 19, 2004, U.S. EPA promulgated the NESHAP for surface coating of plastic parts and products. In this rulemaking, IDEM is proposing to incorporate by reference those federal rules into state rules. A description of the federal rules follows.

Surface Coating of Miscellaneous Metal Parts and Products (40 CFR 63, Subpart MMMM)

Surface coating is a process of applying a protective, decorative, or functional coating to a substrate. Coating materials include, but are not limited to, paints, stains, sealers, topcoats, basecoats, primers, inks, and adhesives. Metal parts and products include operations that cover a wide variety of metals that are located at a major source of HAPs. Many sources may be exempt if already subject to another surface coating NESHAP. Asphalt and coal tar applications to metal pipes are also included in this NESHAP. There are five (5) subcategories: general use coating, high performance coating, magnet wire coating,

rubber-to-metal coating, and extreme performance fluoropolymer coating. Emission points include the surface coating application process, drying and curing operations, mixing and thinning operations, and cleaning operations.

The organic HAPs emitted by sources include xylenes, toluene, methyl ethyl ketone (MEK), phenol, cresols, glycol ethers, styrene, methyl isobutyl ketone (MIBK), and ethyl benzene. Exposure to these HAPs has been demonstrated to irritate the lung, skin, and mucous membranes and effect the central nervous system, liver, and heart. HAP emissions will be reduced nationally by forty-eight percent (48%) from 1997 emission base levels. There are at least one hundred fourteen (114) potential Indiana sources. About forty-five percent (45%) of the sources are located in nonattainment counties for eight (8) hour ozone standard. Many of the HAPs are volatile organic compounds (VOCs) and their reduction due to the NESHAP will also reduce ozone. Sources must comply with the NESHAP by January 2, 2007.

Surface Coating of Plastic Parts and Products (40 CFR 63, Subpart PPPP)

Plastic parts and products include plastic components of motor vehicle parts and accessories, sporting and recreational products, toys, business machines, laboratory and medical equipment, and household and consumer products. Operations covered by this NESHAP are divided into four (4) subcategories: assembled on-road vehicle coating; general use coating; thermoplastic olefin coating; and automotive lamp coating. Emission limits would be set for all surface coating operations that use more than one hundred (100) gallons of coatings per year in the surface coating of plastic parts and products and are located at a major source of HAPs. Many sources may be exempt if already subject to another surface coating NESHAP.

The organic HAPs emitted by sources include xylenes, toluene, methyl ethyl ketone (MEK), phenol, cresols, glycol ethers, styrene, methyl isobutyl ketone (MIBK), and ethyl benzene. Exposure to these HAPs has been demonstrated to irritate the lung, skin, and mucous membranes and effect the central nervous system, liver, and heart. Emissions nationally will be reduced by eighty percent (80%) from estimated 1997 baseline levels. There are at least seventy (70) potential Indiana sources. Nearly half of the sources are located in nonattainment counties for the eight (8) hour ozone standard. Many of the HAPs are volatile organic compounds (VOCs) and their reduction due to the NESHAP will also reduce ozone. Sources must comply with the NESHAP by April 19, 2007.

Identification of Restrictions and Requirements Not Imposed Under Federal Law

The draft rule includes a requirement for operator training that is "not imposed under federal law" (NIFL element).

The following information is provided for the NIFL element:

- (1) The environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana; and examples in which federal law is inadequate to provide this protection for Indiana.
- (2) The estimated fiscal impact and expected benefits of the NIFL element, based on the extent to which the NIFL element exceeds the requirements of federal law.
- (3) The availability for public inspection of all materials relied on by IDEM in the development of the NIFL element including, if applicable: health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data.

NIFL Element: Operator training for spray coating (326 IAC 20-80-2; 326 IAC 20-81-2)

- (1) Spray coatings are applied by using a spray gun in a spray booth.

In a spray booth, volatile organic compounds evaporate from the coating as it is applied to the part and from the overspray. The more efficient the transfer of paint to the substrate being painted, the lesser amount of volatile organic compounds are released.

These two (2) NESHAPs apply to sources and parts not covered by other surface coating NESHAPs and cover a wide variety of parts to be surface coated. These two (2) NESHAPs include some sources that are therefore less familiar with federal surface coating regulations and would benefit from general operator spray coating training. Other surface coating NESHAPs are aimed at a specific industry that has developed specialized coating techniques and have people designated for training and would benefit less from general operator training compared to some of the sources subject to the two (2) NESHAPs in this rulemaking.

In a project that investigated the effects of hands-on operator training on the transfer efficiency of manually applied, air atomized, coating operations, results published in the proceedings of the Fifty-first (51st) Purdue University Industrial Waste Conference showed a thirty-three percent (33%) decrease in VOC emissions as a result of operator training, which decreased cost to the source by a conservative ten percent (10%) in material usage.

The average improvement in transfer efficiency among the thirty (30) study participants was twenty-five percent (25%). The average decrease in VOC emissions from the coating application process was thirty-one percent (31%). Training a total of three hundred eight (308) individuals has resulted in an average improvement in transfer efficiency of twenty-three percent (23%) and a twenty-two percent (22%) decrease in material usage.

These studies were performed in a "laboratory setting" and not in a production setting. Actual reductions achieved will vary with the type of material sprayed, the type of application equipment, and the geometry of the substrate.

(2) The addition of operator training and work practice standards is similar to requirements in other state rules. The requirement for operator training and work practice standards was required as part of the Wood Furniture Manufacturing Operations NESHAP (40 CFR 63, Subpart JJ). Conservative estimates include a statewide reduction of two hundred fifty (250) tons of VOCs and more than seventy-five (75) tons of volatile hazardous air pollutants annually. This also resulted in saving at least seven hundred thousand dollars (\$700,000) for Indiana wood manufacturers.

(3) Comments and data were provided by Indiana Clean Manufacturers Technology and Safe Material Institute (CMTI). Documents are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

Potential Fiscal Impact

The costs associated with operator training can vary greatly depending on the length of the training session, and if the training is performed by company personnel or an outside contractor. Some in-depth training programs range from two (2) to four (4) days. Other training programs are as simple as showing a fifteen (15) minute video that reviews proper spray techniques.

Training by an outside contractor generally ranges from seven hundred fifty dollars (\$750) to one thousand five hundred dollars (\$1,500) per day; however, there are recent electronic innovations that permit interactive training and distance learning that could reduce the cost.

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate,

please contact Gayl Killough, Rules Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from July 1, 2004, through August 2, 2004, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from Indiana Clean Manufacturers Technology and Safe Material Institute (CMTI).

Following is a summary of the comments received and IDEM's responses thereto:

Comment: We support requiring operator training and work standard practice standards in the state emission standards for the national emission standards for hazardous air pollutants (NESHAPs) for metal and plastic surface coating operations.

Results from a training program resulted in VOC reductions of up to thirty-three percent (33%), improvement in transfer efficiency of up to twenty-five percent (25%), and a decrease of material usage of twenty-two percent (22%). Conservative estimate for actual reductions reduction in actual material usage is ten percent (10%).

The wood furniture NESHAP required operator training and work standard practices. Hazardous chemicals in the wood industry decreased by fifty-three percent (53%) according to Indiana's Toxic Release Inventory from 1996 to 1998, much of which can be directly attributed to the NESHAP and its operator training.

Response: The department concurs with the benefits of operator training for spray coating operators. Operator training language that is similar to requirements for operator training similar to the styrene rule (326 IAC 20-25-8) and the wood furniture rule has been added to both NESHAPs in this rulemaking. General work standard practices included in the NESHAPs are incorporated by reference in this rulemaking.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to:

#04-181(APCB) Group 6 NESHAPs
 Gayl Killough
 c/o Administrative Assistant
 Rules Development Section
 Air Programs Branch
 Office of Air Quality
 Indiana Department of Environmental Management
 P.O. Box 6015
 Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by November 1, 2004.

Additional information regarding this action may be obtained from Gayl Killough, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 20-80 IS ADDED TO READ AS FOLLOWS:

Rule 80. Surface Coating of Miscellaneous Metal Parts and Products

326 IAC 20-80-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.3881* (69 FR 158, January 2, 2004).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart Mmmm* (69 FR 158, January 2, 2004, National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-80-1*)

326 IAC 20-80-2 Operator training for spray coating

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-17-3

Sec. 2. (a) Each owner or operator shall train all new and existing personnel, including contract personnel, who are involved in spray coating and spray-like applications that could result in excess emissions if performed improperly according to the following schedule:

- (1) All personnel hired after the compliance date of this rule shall be trained within thirty (30) days of hiring.
- (2) All personnel hired before the compliance date of this rule shall be trained or evaluated by a supervisor within six (6) months of the compliance date of this rule.
- (3) To ensure the training goals listed in subsection (b) are maintained, all personnel shall be given refresher training annually.
- (4) Personnel who have been trained by another owner or operator subject to this rule are exempt from subdivision (1) if written documentation that the employee's training is current is provided to the new employer.

(b) The lesson plans for the initial and refresher training shall cover, at a minimum, all of the following topics:

- (1) Appropriate application techniques.
- (2) Appropriate equipment cleaning procedures.
- (3) Appropriate equipment setup and adjustment to minimize material usage and overspray.

(c) The owner or operator shall maintain the following training records on site and available for inspection and review by the department:

- (1) A copy of the current training program.
- (2) A list of the following:
 - (A) All current personnel, by name, that are required to be trained.

(B) The date the person was trained or date of most recent refresher training, whichever is later.

(d) Records of prior training programs and former personnel are not required to be maintained. (*Air Pollution Control Board; 326 IAC 20-80-2*)

SECTION 2. 326 IAC 20-81 IS ADDED TO READ AS FOLLOWS:

Rule 81. Surface Coating of Plastic Parts and Products

326 IAC 20-81-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.4481* (69 FR 20991, April 19, 2004).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart Pppp* (69 FR 20990, April 19, 2004, National Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-81-1*)

326 IAC 20-81-2 Operator training for spray coating

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-17-3

Sec. 2. (a) Each owner or operator shall train all new and existing personnel, including contract personnel, who are involved in spray coating and spray-like applications that could result in excess emissions if performed improperly according to the following schedule:

- (1) All personnel hired after the compliance date of this rule shall be trained within thirty (30) days of hiring.
- (2) All personnel hired before the compliance date of this rule shall be trained or evaluated by a supervisor within six (6) months of the compliance date of this rule.
- (3) To ensure the training goals listed in subsection (b) are maintained, all personnel shall be given refresher training annually.
- (4) Personnel who have been trained by another owner or operator subject to this rule are exempt from subdivision (1) if written documentation that the employee's training is current is provided to the new employer.

(b) The lesson plans for the initial and refresher training shall cover, at a minimum, all of the following topics:

- (1) Appropriate application techniques.
- (2) Appropriate equipment cleaning procedures.
- (3) Appropriate equipment setup and adjustment to minimize material usage and overspray.

(c) The owner or operator shall maintain the following training records on site and available for inspection and review by the department:

- (1) A copy of the current training program.
- (2) A list of the following:
 - (A) All current personnel, by name, that are required to be trained.
 - (B) The date the person was trained or date of most recent refresher training, whichever is later.

(d) Records of prior training programs and former personnel are not required to be maintained. (*Air Pollution Control Board; 326 IAC 20-81-2*)

Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on February 2, 2005 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Air Pollution Control Board will hold a public hearing on new rules 326 IAC 20-80 and 326 IAC 20-81.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rule. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Gayl Killough, Rules Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
 Indiana Department of Environmental Management
 100 North Senate Avenue
 P.O. Box 6015
 Indianapolis, Indiana 46206-6015

or call (317) 233-0855, TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana and are open for public inspection.

this notice is to seek public comment on the draft rule. This rule will incorporate federal language into the Indiana rules. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

CITATIONS AFFECTED: 329 IAC 10-2-112; 329 IAC 10-11-6.5.

AUTHORITY: IC 4-22-2; IC 13-14-9; IC 13-14-8-1; IC 13-14-8-2; IC 13-15-2; IC 13-19-3-1.

STATUTORY REQUIREMENTS

IC 13-14-9-7 recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that the rulemaking policy alternatives available to IDEM are so limited that the notice of first public comment period would provide no substantial benefit, IDEM may forgo this comment period and proceed directly to the notice of second public comment period.

If the commissioner makes the determination of limited rulemaking policy alternatives required by IC 13-14-9-7, the commissioner shall prepare written findings and include them in the second notice of public comment period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-7.

The statute provides for this shortened rulemaking process if the commissioner determines that "the rulemaking policy alternatives available to the department are so limited that the public notice and comment period under IC 13-14-9-3 would provide no substantial benefit to:

- (1) the environment; or
- (2) persons to be regulated or otherwise affected by the proposed rule."

BACKGROUND

The United States Environmental Protection Agency (EPA) revised the criteria for municipal waste landfills (MSWLFs) to allow states to modify the landfill's permit for research, development, and demonstrations (RD&D) at new and existing MSWLFs. The federal rule allows states with approved 40 CFR 258 programs to provide a permit modification from certain requirements now in the rules. These minor permit modifications will be allowed if the owner/operator of the MSWLF can demonstrate that compliance with the RD&D minor modification to the permit will not increase risk to human health and the environment over compliance with a standard MSWLF permit. EPA chose to provide this alternative permit authority to promote innovative technologies associated with landfilling of municipal solid waste. RD&D minor permit modifications would allow some latitude for new ideas regarding run-on control systems, liquids restrictions, and final cover requirements. No other alternatives in the MSWLF rules, unless already provided for in the existing rules, are allowed. The federal language is being incorporated into the MSWLF rules at 329 IAC 10.

FINDINGS

The commissioner of IDEM has prepared findings regarding rulemaking regarding a minor permit modification for research, development, and demonstration at municipal solid waste landfills. These findings are prepared under IC 13-14-9-7 and are as follows:

- (1) I have determined that in order for owner/operators to avail themselves of the allowance for a minor permit modification for research, development, and demonstrations, the federal rule must be incorporated into the Indiana rules at 329 IAC 10.

TITLE 329 SOLID WASTE MANAGEMENT BOARD

FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-7 AND DRAFT RULE #04-256(SWMB)

DEVELOPMENT OF AMENDMENTS TO RULES AT 329 IAC 10 CONCERNING A MINOR MODIFICATION TO A MUNICIPAL SOLID WASTE LANDFILL PERMIT FOR RESEARCH, DEVELOPMENT, AND DEMONSTRATION

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to the rule at 329 IAC 10 regarding a minor permit modification for research, development, and demonstration at municipal solid waste landfills. The purpose of

(2) I have determined that the federal rules are extremely narrow in scope. Permits may be modified regarding run-on control systems, liquids restrictions, and final cover requirements.

(3) I have determined that under the specific circumstances pertaining to this rule, the rulemaking policy alternatives are so limited that the public notice and comment period provided in the notice of first public comment period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule.

(4) The draft rule is hereby incorporated into these findings.

Lori Kaplan
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language contained in the rule. Mailed comments should be addressed to:

#04-256 (SWMB) (RD&D rule)
Marjorie Samuel
Rules, Planning, and Outreach Section
Office of Land Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Hand delivered comments will be accepted by the receptionist on duty at the eleventh floor reception desk, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 232-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules, Planning and Outreach Section at (317) 232-7995.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by November 1, 2004. Additional information regarding this action may be obtained from Lynn West, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 329 IAC 10-2-112, AS AMENDED AT 27 IR 1795, SECTION 23, IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-2-112 “Minor modification of solid waste land disposal facilities” defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 112. (a) “Minor modification of solid waste land disposal facilities” means any modification in a permitted solid waste land disposal facility that would not:

- (1) increase the:
 - (A) facility’s permitted capacity to dispose of solid waste by the lesser of:
 - ~~(A)~~ (i) more than ten percent (10%); or
 - ~~(B)~~ (ii) five hundred thousand (500,000) cubic yards; **or**
 - ~~(2)~~ **increase the (B) area within the permitted solid waste boundary by more than one (1) acre; or**
 - ~~(3)~~ **(2) include those items determined to be:**
 - (A) insignificant modifications by 329 IAC 10-3-3(b) or by the

commissioner; or
~~(4)~~ **include those items determined to be (B) major modifications by section 109 of this rule.**

(b) A minor modification ~~may include the addition or modification of:~~ **includes, but is not limited to, the following:**

- (1) An alternative daily cover (ADC) under 329 IAC 10-20-14.1(e).
- (2) A baled waste management plan under 329 IAC 10-20-31(3). ~~and~~
- (3) A borrow pit:
 - (A) owned by the owner, operator, or permittee;
 - (B) not permitted by the department before April 1, 2004; and
 - (C) located on-site or on property adjoining the facility.

(4) The run-on control systems, the liquids restriction, and the final cover as allowed under the research, development, and demonstration minor permit modification in 329 IAC 10-11-6.5. (*Solid Waste Management Board; 329 IAC 10-2-112; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1777; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3766; filed Feb 9, 2004, 4:51 p.m.: 27 IR 1795, eff Apr 1, 2004*)

SECTION 2. 329 IAC 10-11-6.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 10-11-6.5 Research, development, and demonstration minor modification application

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 6.5. (a) Except as provided in subsection (f), the commissioner may issue a minor modification for research, development, and demonstration for a new MSWLF, existing MSWLF, or lateral expansion for which the owner or operator proposes to utilize innovative and new methods that vary from either or both of the following criteria provided that the MSWLF has a leachate collection system designed and constructed to maintain less than a thirty (30) centimeters depth of leachate on the liner:

- (1) **The run-off control system in 329 IAC 10-20-11(a)(1).**
- (2) **The liquids restrictions in 329 IAC 10-20-27.**

(b) **The commissioner may issue a minor modification for research, development, and demonstration for a new MSWLF, existing MSWLF, or lateral expansion for which the owner or operator proposes to utilize innovative and new methods that vary from the final cover requirements at 329 IAC 10-22-6, provided the MSWLF owner/operator demonstrates that the infiltration of liquid through the alternative cover system will not cause contamination of ground water or surface water or cause leachate depth on the liner to exceed thirty (30) centimeters.**

(c) **Any minor modification to the permit issued under this section must include such terms and conditions at least as protective as this article to assure protection of human health and the environment. Such minor modification shall do the following:**

- (1) **Provide for the construction and operation of such facilities as necessary, for not longer than three (3) years, unless renewed as provided in subsection (e).**
- (2) **Provide that the MSWLF must receive only those types and quantities of municipal solid waste and nonhazardous wastes that the commissioner deems appropriate for the purposes of determining the efficacy and performance capabilities of the technology or process.**
- (3) **Include such requirements as necessary to protect human**

health and the environment, including such requirements as necessary for testing and providing information to the commissioner with respect to the operation of the facility.

(4) Require the owner or operator of the MSWLF with a minor modification under this section to submit an annual report to the commissioner showing whether and to what extent the site is progressing in attaining project goals. The report will also include a summary of all monitoring and testing results, as well as any other operating information specified by the commissioner in the minor modification given under this section.

(5) Require compliance with all requirements, as applicable, under this article.

(d) The commissioner may revoke or amend the minor modification issued under this section and require immediate termination of all operations at the facility allowed by the minor modification issued under this section or other corrective measures at any time the commissioner determines that the overall goals of the project are not being attained, including protection of human health or the environment.

(e) Any minor modification issued under this section shall not exceed three (3) years, and each renewal of a permit may not exceed three (3) years. The following apply to this section:

- (1) The total term for a minor modification issued under this section, including renewal, must not exceed twelve (12) years.
- (2) During the minor modification renewal, the owner or operator shall provide the following:
 - (A) A detailed assessment of the project showing the status with respect to achieving project goals.
 - (B) A list of problems and status with respect to problem resolutions.
 - (C) Any other requirements that the commissioner determines necessary for the minor modification renewal.

(f) An owner or operator of a MSWLF:

- (1) operating under an exemption set forth in 40 CFR 258.1(f)(1); or
- (2) that disposes of twenty (20) tons of municipal solid waste per day or less based on an annual average;

is not eligible for a minor modification under this section. (*Solid Waste Management Board; 329 IAC 10-11-6.5*)

Notice of First Public Hearing/Meeting

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on November 16, 2004, at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Solid Waste Management Board (board) will hold a public hearing on the proposed amendments to 329 IAC 10.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Lynn West, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-3593, (800) 451-6027 (in Indiana) or e-mail at lwest@dem.state.in.us.

Individuals requiring reasonable accommodations for participation

in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

*Attn: ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46206-6015*

or call (317) 233-0855, (317) 233-6565 (TDD). Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-333. Please provide a minimum of seventy-two (72) hours' notification before the hearing.

Copies of these rules are now on file at the Office of Land Quality, Eleventh Floor, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana and are open for public inspection.

DEPARTMENT OF STATE REVENUE

IN REGARDS TO THE MATTER OF:
CARNINE LITTLE LEAGUE, INC.
DOCKET NO. 29-2002-0133

PROPOSED DEPARTMENTAL ORDER

Being duly advised and having considered the entire record, the Administrative Law Judge makes the following Proposed Departmental Order.

Petitioner was the subject of an investigation conducted on December 22, 2003 by the Criminal Investigation Division of the Indiana Department of Revenue. The Department issued a letter dated February 28, 2002, in which Petitioner's bingo license was the subject of an emergency revocation. Petitioner's Indiana charity gaming license was suspended for five (5) years, and it was assessed civil penalties in the amount of eight thousand five hundred dollars (\$8,500). The Petitioner protested in a timely manner.

FINDINGS OF FACTS

- 1) Petitioner protested the Department's proposed actions on March 1, 2002.
- 2) The Department acknowledged the Petitioner's appeal in a letter dated March 4, 2002.
- 3) The Department in a letter dated March 11, 2002 set an administrative hearing for Tuesday, May 14, 2002.
- 4) On Wednesday, May 8, 2002 the Indiana Department of Revenue by counsel requested an indefinite extension of time.
- 5) The extension was granted on May 8, 2002. At that time the Department's attorney was directed to file a status report in this matter every two weeks until a hearing date and time is requested.
- 6) Pursuant to IC 4-21.5-3-1 notice was given to the Petitioner on March 15, 2004 regarding a possible dismissal of its appeal.
- 7) Petitioner has failed to respond to the Department's correspondence.

STATEMENT OF LAW

- 1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to:
 - (1) file a responsive pleading required by statute or rule;
 - (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or
 - (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action;the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.
 - (b) Within seven (7) days after service of a proposed default or dismissal order, the party against whom it was issued may file a written motion requesting that the proposed default order not be imposed and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the administrative law judge may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.
 - (c) If the party has failed to file a written motion under subsection (b), the administrative law judge shall issue the default or dismissal order. If the party has filed a written motion under subsection (b), the administrative law judge may either enter the order or refuse to enter the order.
 - (d) After issuing a default order, the administrative law judge shall conduct any further proceedings necessary to complete the proceeding without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party. The administrative law judge may conduct proceedings in accordance with section 23 of this chapter to resolve any issue of fact.

CONCLUSIONS OF LAW

- 1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to: (1) file a responsive pleading required by statute or rule; (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action; the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.
- 2) The Petitioner's failure to respond to the Department's letters is grounds for a proposed dismissal order pursuant to IC 4-21.5-3-24.

PROPOSED DEPARTMENTAL ORDER

Following due consideration of the entire record, the Administrative Law Judge orders the following:
The Petitioner's appeal is dismissed.

- 1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue, a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).
- 2) Judicial review of a final order may be sought under IC 4-21.5-5.

THIS PROPOSED DEPARTMENTAL ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM

THE DATE THE ORDER IS SERVED ON THE PETITIONER.

Dated: _____

Bruce R. Kolb / Administrative Law Judge

DEPARTMENT OF STATE REVENUE

IN REGARDS TO THE MATTER OF:
MARINE CORPS LEAGUE #471, INC.
DOCKET NO. 29-2004-0138

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND PROPOSED DEPARTMENTAL ORDER

An administrative hearing was held on Wednesday, June 2, 2004 in the office of the Indiana Department of State Revenue, 100 N. Senate Avenue, Room N248, Indianapolis, Indiana 46204 before Bruce R. Kolb, Administrative Law Judge acting on behalf of and under the authority of the Commissioner of the Indiana Department of State Revenue.

Petitioner, Fort Miami Detachment Marine Corps League, Inc., was represented by Attorney Robert D. McMahan, 2901 Ohio Blvd. Suite 232, Terre Haute, Indiana 47803. Attorney Doug Klitzke appeared on behalf of the Indiana Department of State Revenue.

A hearing was conducted pursuant to IC 4-21.5 et seq., evidence was submitted, and testimony given. The Department maintains a record of the proceedings. Being duly advised and having considered the entire record, the Administrative Law Judge makes the following Findings of Fact, Conclusions of Law and Proposed Departmental Order.

REASON FOR HEARING

As a result of an investigation conducted on August 22, 2003, by the Criminal Investigation Division of the Indiana Department of Revenue, it was determined that the Petitioner was in violation of provisions of the Indiana Charity Gaming laws. Petitioner failed to protest within the statutorily prescribed time. See IC 4-32-8-1. Petitioner received a letter dated December 15, 2003 which stated "The Department hereby suspends the charity gaming license of Joseph A. Bray Det. #471, Marine Corps League for one (1) year effective with the receipt of this decision." The Petitioner requested a hearing in order to determine the extent of its suspension.

FINDINGS OF FACTS

- 1) The Criminal Investigation Division of the Indiana Department of Revenue conducted an investigation of the Petitioner on August 22, 2003. It was determined that the Petitioner was in violation of provisions of the Indiana Charity Gaming laws.
- 2) On December 15, 2003 the Department issued a letter outlining civil penalties and a suspension based upon the August 22, 2003 investigation. (Department's Exhibit 4).
- 3) The December 15, 2003 letter was addressed to Petitioner and mailed via certified mail to 3006 N. 16th Street, Terre Haute, Indiana 47804.
- 4) The letter was delivered and signed for on December 30, 2003 by Sherry Budd an "Operator" listed on Petitioner's CG-13PT.
- 5) The Petitioner had and continues to have three separate addresses.
- 6) The Petitioner's legal address and offices are located at 1563 Elizabeth Ave, Terre Haute, Indiana 47804. (Record at 17 and 32).
- 7) Petitioner conducts bingo at 7339 N. Clinton Road, Terre Haute, Indiana 47805. (Record at 10).
- 8) Petitioner's hall, club, and bar are located at 3006 N. 16th Street, Terre Haute, Indiana 47804. (Record at 32).
- 9) The 3006 N. 16th Street address in Terre Haute is where the Petitioner was licensed to sell pull tabs, tip boards, and punchboards only. (Department's exhibit 1).
- 10) The Department's witness stated at hearing that, "the [Department's] letter was sent to the location where the violations took place." (Record at 16).
- 11) In its letter of December 15, 2003 the Department stated, "The fact that Marine Corps League #471 continues to possess and operate electronic gambling devices during a licensed gaming event... The Department hereby suspends the charity gaming license of Joseph A. Bray Det. #471, Marine Corps League for one (1) year effective with the receipt of this decision." (Department's Exhibit #4).
- 12) The Petitioner received a letter dated June 24, 2003 accompanying its approved "Indiana Annual Bingo/Pull Tabs License Nbr. 100913." (Department's Exhibit #2).
- 13) The Petitioner's CG-13PT (Annual Bingo License / Pull Tabs, Tip Boards, and Punchboards Only) had an effective date of July 1, 2003 and an expiration date of June 30, 2004. The license number is 100913. (Department's Exhibit #1).
- 14) Petitioner's CG-13PT contains the name of the organization and its address and county. The form also states, "is hereby authorized by the State of Indiana to conduct a gaming event at 3006 N. 16th Street, Terre Haute, IN 47804." (Department's

Exhibit #1).

15) The Petitioner's CG-13 (Annual Bingo License) had an effective date of July 1, 2003 and an expiration date of June 30, 2004. The license number is 100913. (Department's Exhibit #1).

16) Petitioner's Annual Bingo License contains the name of the organization and its address and county. The form also states, "is hereby authorized by the State of Indiana to conduct a gaming event at 7339 N. Clinton Road, Terre Haute, IN 47805-1328." (Department's Exhibit #1).

17) The Department has one form that is used for bingo and pull tabs. (Record at 24).

18) There are no provisions in the Indiana Code for a pull tab only license. (Record at 25).

19) The Department's witness stated at hearing, "[W]e don't have an application for just pull tabs only, because pull tabs only comes under annual bingo. That's why we have an annual bingo license. And in order to allow the organization to have pull tabs at one location, but to have their annual bingo at another, we permitted them to use this annual bingo license application also for pull tabs indicating a different address for their pull tabs only." (Record at 25).

20) When asked, "Now, does this organization sell pull tabs at their bingo operation, as well?" the Department's witness stated, "They are entitled to, yes." (Record at 25).

STATEMENT OF LAW

1) The Department's hearings are governed by IC 4-21.5 exclusively. (See IC 4-32-8-5. *As added by P.L.188-2003, SEC.3.*)

2) Pursuant to 45 IAC 18-8-4, the burden of proving that the Department's findings are incorrect rests with the individual or organization against which the department's findings are made. The department's investigation establishes a prima facie presumption of the validity of the department's findings.

3) IC 4-21.5-3-25(b) provides in pertinent part, "The administrative law judge shall regulate the course of the proceedings in conformity with any prehearing order and in an informal manner without recourse to the technical, common law rules of evidence applicable to civil actions in the courts..."

4) IC 4-21.5-2-26(a) states, "The administrative law judge may admit hearsay evidence. If not objected to, the hearsay evidence may form the basis for an order. However, if the evidence is properly objected to and does not fall within a recognized exemption to the hearsay rule, the resulting order may not be based solely upon the hearsay evidence."

5) "It is reasonable...to adopt a preponderance of the evidence standard..." *Burke v. City of Anderson*, 612 N.E.2d 559, 565 (Ind.App. 1993).

6) 45 IAC 18-1-33, "'Premises' means a building or a distinct portion of a building where charity gaming is conducted. A portion of a building is considered distinct if it has a separate mailing address and is not connected by a common roof or wall with another structure where gaming activities occur." (*Department of State Revenue; 45 IAC 18-1-33; filed Feb 28, 2003, 2:16 p.m.: 26 IR 2305*)

7) 45 IAC 18-1-38 provides, "Suspend. means that the qualified organization cannot conduct any gaming events or hold a license for a period of time specified by the department. The period of suspension begins at the time the organization receives notice from the department or when the organization exhausts all administrative remedies, whichever is later. (*Department of State Revenue; 45 IAC 18-1-38; filed Feb 28, 2003, 2:16 p.m.: 26 IR 2305*).

8) IC 4-32-8-1 states, " IC 6-8.1 applies to the department's decision making process under this article, except that a formal protest of any decision, intended decision, or other action must be filed not more than seventy-two (72) hours after receipt of the notice of decision, intended decision, or other action."

9) IC 4-32-9-1 provides, "A qualified organization may conduct the following activities in accordance with this article:

- (1) A bingo event.
- (2) A charity game night.
- (3) A raffle event.
- (4) A door prize event.
- (5) A festival.
- (6) The sale of pull tabs, punchboards, and tip boards."

10) IC 4-32-9-2 states, "Except as provided in section 3 of this chapter, a qualified organization must obtain a license from the department to conduct an allowable event."

11) IC 4-32-9-11 states, "A bingo license or special bingo license may also authorize a qualified organization to conduct door prize drawings and sell pull tabs, punchboards, and tip boards at the bingo event.

- (b) A charity game night license may also authorize a qualified organization to conduct door prize drawings and sell pull tabs, punchboards, and tip boards at the charity game night.
- (c) A raffle license may also authorize a qualified organization to conduct door prize drawings and sell pull tabs, punchboards, and tip boards at the raffle event.
- (d) A door prize license may also authorize a qualified organization to sell pull tabs, punchboards, and tip boards at the door prize event."

12) 45 IAC 18-2-4(c) states, "A qualified organization may hold more than one (1) license at the same time."

13) IC 4-32-12-1(a) provides in pertinent part, "The Department may suspend or revoke the license or levy a civil penalty against a qualified organization or an individual under this article for any of the following: (1) Violation of a provision of this article or of a rule of the department..."

14) IC 4-32-12-2 states, "The department may impose upon a qualified organization or an individual the following civil penalties:

- (1) Not more than one thousand dollars (\$1,000) for the first violation.
- (2) Not more than two thousand five hundred dollars (\$2,500) for the second violation.
- (3) Not more than five thousand dollars (\$5,000) for each additional violation."

15) IC 4-32-12-3 states, In addition to the penalties described in section 2 of this chapter, the department may do all or any of the following:

- (1) Suspend or revoke the license.
- (2) Lengthen a period of suspension of the license.
- (3) Prohibit an operator or an individual who has been found to be in violation of this article from associating with charity gaming conducted by a qualified organization.
- (4) Impose an additional civil penalty of not more than one hundred dollars (\$100) for each day the civil penalty goes unpaid.

CONCLUSIONS OF LAW

1) According to IC 4-32-9-11, a bingo license or special bingo license may also authorize a qualified organization to conduct door prize drawings and sell pull tabs, punchboards, and tip boards at the bingo event.

2) It is questionable as to whether a licensed qualified organization can play bingo and sell pull tabs, punchboards and tip boards at one location three times a week, and then sell pull tabs, punchboards or tip boards at another location seven days a week. A literal reading of IC 4-32-9-11 may prohibit such a practice.

3) The Department's letter dated December 15, 2003 delivered to Petitioner's location where it sold pull tabs only and where the violation took place met the Department's notice requirements found in IC 6-8.1-5-1.

4) What is clear is that in Petitioner's case only one (1) license was issued, and that was License number 100913 and that is the license being suspended.

PROPOSED DEPARTMENTAL ORDER

Following due consideration of the entire record, the Administrative Law Judge orders the following:

The Petitioner's appeal is denied. Petitioner's license number 100913 is suspended and therefore, they are unable to conduct charity gaming for a period of one (1) year from the date of this decision.

1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue, a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

2) Judicial review of a final order may be sought under IC 4-21.5-5.

THIS PROPOSED DEPARTMENTAL ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.

Dated: _____

Bruce R. Kolb / Administrative Law Judge

DEPARTMENT OF STATE REVENUE

0320010124.LOF

**LETTER OF FINDINGS NUMBER: 01-0124
Adjusted Gross Income Tax—Net Operating Loss
For Tax Year 1999**

NOTICE: Under Ind. Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

I. Adjusted Gross Income Tax—Net Operating Loss

Authority: 45 IAC 3.1-1-109; IC § 6-3-1-1 *et seq.*

Taxpayer protests the denial of a net operating loss deduction from its adjusted gross income tax.

STATEMENT OF FACTS

Taxpayers operate two dine-in and carryout restaurants in Indiana, offering a daily buffet featuring pizza, spaghetti, and a salad bar. Taxpayers also have arcade/vending areas in each restaurant and award prizes on some of the games when players earn tickets. The investigative summary discovered that the shareholders of the S-Corporation, husband and wife, moved from Indiana to Kentucky in 1998 and failed to file an Indiana IT-40PNR for 1999, the tax year at issue. Taxpayers' power of attorney filed a protest concerning a failure to deduct a net operating loss from the S-Corporation's profits which would have reduced taxpayers' adjusted gross income tax. More facts will be added as necessary.

I. Adjusted Gross Income Tax—Net Operating Loss**DISCUSSION**

Taxpayers, husband and wife, are the sole shareholders of the S-Corporation through which they operated two Indiana restaurants during the tax year at issue, 1999. Taxpayers lived in Indiana through part of the 1998 calendar year and then moved to Kentucky. The auditor, pursuant to 45 IAC 3.1-1-109, adjusted taxpayers' adjusted gross income tax because they failed to file an Indiana IT-40PNR for 1999. Indiana and Kentucky have a reciprocal agreement for individual income tax, which applies, only to salaries, wages, and tips. Business income is not part of this agreement. Subchapter S corporations are required to withhold adjusted gross income tax on any nonresident shareholders' portion of taxable income whether distributed or not.

Taxpayers' power of attorney filed a protest concerning a net operating loss, which was not at issue in the audit investigation. Further, taxpayers' power of attorney never contacted the Department with evidence to support the protest despite numerous letters sent to the power of attorney requesting information. Finally, taxpayers cannot deduct a net operating loss for Indiana adjusted gross income tax purposes because there is no corresponding loss on the federal return for the tax year at issue. The federal return is the beginning point for determining Indiana adjusted gross income tax. *See*, IC § 6-3-1-1 *et seq.*

FINDING

Taxpayers' protest is denied.

DEPARTMENT OF STATE REVENUE

0220020030.LOF

LETTER OF FINDINGS: 02-0030**Indiana Corporate Income Tax
For the Years 1995, 1996, and 1997**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES**I. Money Received From the Sale of Computers and Related Services to Indiana Remarketers – Gross Income Tax.**

Authority: IC 6-2.1-2-2(a)(2); IC 6-2.1-3-3; IC 6-8.1-5-1(b); 45 IAC 1.1-2-5(a); 45 IAC 1.1-2-5(d); 45 IAC 1.1-3-3(c); 45 IAC 1.1-3-3(c)(5).

Taxpayer argued that the money it receives from selling computers and computer-related services to Indiana remarketers is not subject to gross income tax.

II. Investment Income – Adjusted Gross Income Tax.

Authority: IC 6-3-1-20; IC 6-3-1-21; IC 6-3-2-2(b); IC 6-3-2-2(g) to (k); May Department Store Co. v. Indiana Dept. of State Revenue, 749 N.E.2d 651 (Ind. Tax Ct. 2001); 45 IAC 3.1-1-29; 45 IAC 3.1-1-30.

Taxpayer maintains that money it earns from investing excess funds in an "investment portfolio" is entirely "non-business income" for purposes of determining taxpayer's adjusted gross income.

STATEMENT OF FACTS

Taxpayer is in the business of building and selling computers and computer software. Taxpayer has business locations and personnel within the state. During 1995, 1996, and 1997 taxpayer filed consolidated tax returns. During 2001, the Department of Revenue (Department) conducted an audit review of taxpayer's tax returns and business records. This audit review resulted in the assessment of additional corporate income taxes. Taxpayer disagreed with portions of the conclusions contained within the audit report and submitted a protest to that effect. An administrative hearing was conducted during which taxpayer explained the basis for its report. This Letter of Findings is the result of that hearing, the supplemental information taxpayer supplied, and the information contained within the original audit report.

DISCUSSION**I. Money Received From the Sale of Computers and Related Services to Indiana Remarketers – Gross Income Tax.**

Taxpayer sells its computers, software, and related services using a variety of methods including sales to two out-of-state

“remarketers.” Remarketer one was headquartered in California, and remarketer two was headquartered in Florida.

According to taxpayer, the sales to remarketer one were arranged in California with the equipment shipped from the point of manufacturer to the remarketer one’s warehouse in Indianapolis.

According to taxpayer, the sales to remarketer two occurred in Florida with the computers being shipped to one of remarketer two’s distribution centers located within Indiana.

Again – according to taxpayer – the taxpayer’s in-state personnel were not involved in the sale of the computers, services, and associated software; the in-state personnel were not involved in the initiation, negotiation, or servicing of the either of these sales contracts.

The audit review assessed gross income tax on the money taxpayer received from remarketer one and from remarketer two at the “low” and “high” rates differentiating between the money taxpayer received for the sales of the computers and the money received for the provision of services related to those computers.

Gross income tax is imposed upon the “the taxable gross income derived from activities or businesses or any other sources within Indiana by a taxpayer who is not a resident or a domiciliary of Indiana.” IC 6-2.1-2-2(a)(2). However, “Gross income derived from business conducted in commerce between the state of Indiana and either another state or a foreign country is exempt from gross income tax to the extent the state of Indiana is prohibited from taxing that gross income by the United States Constitution.” IC 6-2.1-3-3.

Taxpayer argues that the money received from the sale of computers and services to the two remarketers is not subject to gross income tax because the underlying sales transactions were unrelated to the taxpayer’s Indiana sales personnel and Indiana sales locations. 45 IAC 1.1-3-3(c) states that “Gross income derived from the sale of tangible personal property in interstate commerce is not subject to the gross income tax if the sale is not completed in Indiana.” The regulation provides an example relevant to the specific issue raised by taxpayer.

A sale to an Indiana buyer by a nonresident with an in-state business situs or activities but the situs or activities are not significantly associated with the sale because [the sale] was initiated, negotiated, and serviced by out-of-state personnel, and the goods are shipped from out-of-state. The in-state business situs or activities will be considered significantly associated with the sale if the sale is initiated, negotiated, or serviced by in-state personnel. 45 IAC 1.1-3-3(c)(5).

In order to establish that the sales to the two remarketers were not associated with taxpayer’s Indiana sales location and taxpayer’s Indiana sales personnel, taxpayer has provided affidavits, a letter, and a copy of an e-mail all attesting to the notion that the sales to remarketer one were not “initiated, negotiated, or serviced by in-state personnel.” However, the information taxpayer provided relates only to sales of computers to remarketer one; the information provides no insight into the sales made to remarketer two. In addition, the information provided by taxpayer dates back to taxpayer’s sales to remarketer one made during 1990 through 1992. The information does not relate specifically to the remarketer one sales made during 1995 through 1997.

The Department does not challenge the veracity or the good intentions involved the taxpayer’s efforts to establish that the sale of computer made to remarketer one and remarketer two were unrelated to taxpayer’s in-state activity. However, pursuant to IC 6-8.1-5-1(b), taxpayer has not met its burden of “proving that the proposed assessment is wrong....” Given the size, complexity, and dynamics of taxpayer’s business, it is not possible to determine whether the 1995 through 1997 sales to remarketers one and two were similar in circumstances to the sales made to remarketer one during 1990 through 1992.

Taxpayer also argues that the money received from remarketer one and remarketer two – derived from the provision of computer services – was not subject to gross income tax because the services were related to the underlying interstate sales of computers. Taxpayer’s argument misses the mark because whether or not the computers moved in interstate commerce is unrelated to the question of whether or not the income from the provision of services is subject to gross income tax. 45 IAC 1.1-2-5(a) provides that “Gross income derived from the provision of a service of any character within Indiana is subject to the gross income tax. This is true even when a service contract calls for the furnishing of tangible personal property in the performance of the contract.” The same regulation further states that, “Gross income derived from the provision of a service within Indiana... on goods belonging to another is subject to gross income tax even though such property is moved in interstate commerce before or after the performance of the service.” 45 IAC 1.1-2-5(d).

Taxpayer earned money because it provided services to remarketers one and two. Taxpayer provided the remarketers support documentation, advertising, and promotional materials. Taxpayer retained sales, warranty, and service records on behalf of the remarketers. Taxpayer conducted technical seminars and provided technical services for the remarketers. In consideration, the remarketers compensated taxpayer. That compensation is subject to the state’s gross income tax.

FINDING

Taxpayer’s protest is respectfully denied.

II. Investment Income – Adjusted Gross Income Tax.

The audit review found that money taxpayer earned in the form of “short term interest” constituted “business income.” Taxpayer disagrees concluding that what it calls “Portfolio income” arose from transactions outside taxpayer’s regular business activities and that the money should be classified as “non-business income.” Taxpayer maintains that the acquisition of the securities

“did not arise out of or were not created in the regular course of [taxpayer’s] trade or business operations and the purpose for acquiring the holding the securities was not related to or incidental to such trade or business operations.” As a result, taxpayer maintains that the portfolio/security income should be allocated to the state in which taxpayer’s headquarters is found.

Taxpayer states that it maintains a “substantial investment portfolio composed of various types of interest-bearing and discount securities and money-market investments.” The investment portfolio was devised as a means of safely and profitably investing surplus cash with the goal of obtaining the most attractive return possible; taxpayer states that investment decisions are based strictly on prevailing “economic and market conditions” and are unrelated to the needs of taxpayer’s “regular trade or business.” According to taxpayer, it maintains an investment department at its out-of-state headquarters and that all activities related to the management of the investment portfolio originate within this department. In order to manage its investment portfolio, taxpayer maintains a staff of personnel who have no duties or responsibilities within taxpayer’s core business operation. Taxpayer describes that core business as the “development, manufacture, rental, sale and service of technical, commercial and scientific products, mainly data processing... and office equipment and a wide range of support and systems management services.” In sum, taxpayer maintains a department and personnel, distinct from its core computer business, dedicated to investing taxpayer’s surplus cash.

For purposes of determining a taxpayer’s adjusted gross income tax liability, business income is apportioned between Indiana and other states using a three factor formula. IC 6-3-2-2(b). In contrast, non-business income is allocated to Indiana or it is allocated to another state. IC 6-3-2-2(g) to (k). Therefore, “whether income is deemed business income or non-business income determines whether it is allocated to a specific state or whether it is apportioned between Indiana and other states [in which] the taxpayer is conducting its trade or business.” May Department Store Co. v. Indiana Dept. of State Revenue, 749 N.E.2d 651, 656 (Ind. Tax Ct. 2001).

Taxpayer’s argument, that this income constitutes “non-business income,” is significant because if taxpayer is correct, all this income is allocated elsewhere and is not relevant in calculating taxpayer’s Indiana adjusted gross income tax.

The benchmark for determining whether income can be apportioned is the distinction between “business income” and “non-business income.” That distinction is defined by the Indiana Code as follows:

The term “business income” means income arising from transactions and activity in the regular course of the taxpayer’s trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitutes integral parts of the taxpayer’s regular trade or business operation. IC 6-3-1-20.

“Non-business income,” in turn, “means all income other than business income.” IC 6-3-1-21. For purposes of calculating an Indiana corporation’s adjusted gross income tax liability, business income is apportioned between Indiana and other states using a three-factor formula, while non-business income is allocated to Indiana or another state in which the taxpayer is doing business. May, 749 N.E.2d at 656. In that decision, the Tax Court determined that IC 6-3-1-20 incorporates two tests for determining whether the income is business or non-business: a transactional test and a functional test. Id. at 662-63. Under the transactional test, gains are classified as business income when they are derived from a transaction in which the taxpayer regularly engages. The particular transaction from which the income derives is measured against the frequency and regularity of similar transactions and practices of the taxpayer’s business. Id. at 658-59.

Under the functional test, the gain arising from the sale of an asset will be classified as business income if the acquisition, management, and disposition of the property generating income constitutes an integral part of the taxpayer’s regular trade or business operations. *See* IC 6-3-1-20.

Department regulations 45 IAC 3.1-1-29 and 45 IAC 3.1-1-30 provide guidance in determining whether income is business or non-business under the transactional test. 45 IAC 3.1-1-29 states in relevant part that, “Income of any type or class and from any source is business income if it arises from transactions and activity occurring in the regular course of a trade or business. Accordingly, the critical element in determining whether income is ‘business income’ or ‘non-business income’ is the identification of the transactions and activity which are the elements of a particular trade or business.” 45 IAC 3.1-1-30 provides that, “[f]or purposes of determining whether income is derived from an activity which is in the regular course of the taxpayer’s trade or business, the expression ‘trade or business’ is not limited to the taxpayer’s corporate charter purpose of its principal business activity. A taxpayer may be in more than one trade or business, and derive business therefrom depending upon but not limited to some or all of the following:

- (1) The nature of the taxpayer’s trade or business.
- (2) The substantiality of the income derived from the activities and the percentage that income is of the taxpayer’s total income for a given tax period.
- (3) The frequency, number of continuity of the activities and transactions involved.
- (4) The length of time the property producing income was owned by the taxpayer.
- (5) The taxpayer’s purpose in acquiring and holding the property producing income.

The functional test focuses on the property being disposed of by the taxpayer. Id. Specifically, the functional test requires examining the relationship of the property at issue with the business operations of the taxpayer. May, 749 N.E.2d at 664. In order to satisfy the functional test, the property generating income must have been acquired, managed, and disposed by the taxpayer in

a process integral to taxpayer's regular trade or business operations. *Id.* In *May*, the Tax Court defined "integral" as "part of or [a] constituent component necessary or integral to complete the whole." *Id.* at 664-65. The court concluded that petitioner retailer's sale of one of its retailing divisions was not "necessary or essential" to the petitioner's regular trade or business because the sale was executed pursuant to a court order that benefited a competitor and not the petitioner. *Id.* at 665. In effect, the court determined that because the petitioner was forced to sell the division in order to reduce its competitive advantage, the sale was not integral to the petitioner's own business operations. *Id.* Therefore, the proceeds from the division's sale were not business income under the functional test. *Id.*

The audit correctly concluded that the money received from the portfolio investments was "business income." The information offered by taxpayer itself demonstrates that it regularly engages in the sale and purchase of securities in order to maximize the value of its surplus cash assets. The sales and purchase of securities is such an ordinary part of taxpayer's business that it maintains a separate business division and hires personnel specifically dedicated for that purpose. The investment proceeds are properly classified as "business income" pursuant to the transactional test.

In addition, the income is properly classified as business income under the functional test because the sale and purchase of securities constitutes an integral part of the taxpayer's business. Therefore, the income meets the "functional test." Although taxpayer may be correct in stating that it is in the computer business and not the investment business, that distinction is irrelevant. The issue is not whether or not taxpayer is in the investment business, the issue is whether the investment income is "business" or "non-business" income. In this instance, there is nothing extraordinary taxpayer's investment of excess cash in order to maximize the value of that cash. To the contrary, the practice appears to be a day-to-day part of taxpayer's overall business; the investment income is neither unusual nor unexpected and falls squarely within the definition of "business income."

FINDING

Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

02-20020178.LOF

LETTER OF FINDINGS NUMBER: 02-0178

**Gross Income Tax & Penalty
For the Years 1996-2000**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Gross Income Tax-Indiana Source Income

Authority: Ind. Code § 6-8.1-5-1.

Taxpayer protests the assessment of gross income tax with respect to receipts that reflect Taxpayer's receipts for services provided for an Indiana manager.

II. Tax Administration - Penalty

Authority: Ind. Code § 6-8.1-10-2.1; 45 IAC 15-11-2.

Taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

Taxpayer is a subsidiary of a corporation in the business of selling children's clothing at retail. The parent corporation is divided into two subsidiaries-the retail stores, and a management company providing services to the retail stores. In Indiana, Taxpayer operates a number of stores and has a district store manager living in Indiana.

Taxpayer was audited for the years in question. As a result of the audit, Taxpayer was assessed gross income tax with respect to a portion of its "other income" deemed attributable to services provided by the Indiana manager. Further, a portion of the "other income" was deemed to be Indiana sales, in the proportion of Taxpayer's payroll factors. Taxpayer protested the assessment, stating that the fees in question represent reimbursement for services rendered outside Indiana, and therefore were not Indiana gross income.

Taxpayer had been notified by letter of a hearing. A representative of the Taxpayer called with respect to the letter and affirmed the time and date of the hearing. However, on the date and time of the hearing, no representative of the Taxpayer either appeared at the Department or called the hearing officer. Accordingly, this letter of findings has been prepared based on the information in the file.

DISCUSSION

I. Gross Income Tax-Indiana Source Income

According to the audit report, the revenue for services provided by Taxpayer (listed by Taxpayer as "other income") should

Nonrule Policy Documents

be pro rated to Indiana based on its Indiana payroll to its overall payroll. Taxpayer maintains that the revenue that the auditor seeks to allocate is solely for a reimbursement for services performed and corporate overhead expenses incurred at its California headquarters, and therefore not subject to gross income tax. Further, Taxpayer maintains that the district sales manager located in Indiana did not produce income for Taxpayer, and that the manager did services in states other than Indiana. However, Taxpayer did not provide any additional information to substantiate that the auditor was incorrect-its burden, per Ind. Code § 6-8.1-5-1. Accordingly, the auditor's determination must be permitted to stand.

With respect to adjusted gross income tax, it is not entirely clear whether this was raised. The protest is in the nature of a gross income tax protest, though the amount Taxpayer has protested includes the adjusted gross income tax for 2000. Nevertheless, Taxpayer has not presented an argument sufficient to meet its statutory burden.

FINDING

Taxpayer's protest is denied.

II. Tax Administration-Penalty

DISCUSSION

Taxpayer argues that it is not subject to negligence penalties with respect to the additional taxes assessed against it. In particular, Taxpayer argues that the additional tax was due to its different, but reasonable, interpretation of the statute. Accordingly, it argues that it was not negligent in its tax returns for the years in question.

Penalty waiver is permitted if the taxpayer shows that the failure to pay the full amount of the tax was due to reasonable cause and not due to willful neglect. Ind. Code § 6-8.1-10-2.1. The Indiana Administrative Code further provides:

(b) "Negligence" on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

(c) The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section. Factors which may be considered in determining reasonable cause include, but are not limited to:

- (1) the nature of the tax involved;
- (2) judicial precedents set by Indiana courts;
- (3) judicial precedents established in jurisdictions outside Indiana;
- (4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc.;
- (5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

45 IAC 15-11-2.

Taxpayer has presented an argument that its position was based on a reasonable interpretation of Indiana law, and accordingly was not negligent.

FINDING

Taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

04-20020193.LOF

LETTER OF FINDINGS NUMBER: 02-0193

Sales/Use Tax

For the Years 1998, 1999

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Sales and Use Tax-Exemptions

Authority: Ind. Code § 6-2.5-8-8.

Taxpayer protests the assessment of sales and use tax with respect to sales made to several customers Taxpayer believed were not subject to sales and use tax.

II. Tax Administration - Penalty

Authority: Ind. Code § 6-8.1-10-2.1; 45 IAC 15-11-2(b).

Taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

Taxpayer is a seller of computer software, particularly anti-virus and security software. During the taxable years in question, taxpayer did not remit sales tax with respect to several purchases that taxpayer claimed were exempt for Indiana sales tax. During the course of audit, taxpayer was unable to provide exemption certificates or special exemption certificates for two customers. Audit assessed additional sales tax and penalty, and taxpayer filed a protest of tax with respect to two customers, and penalty with respect to the entire assessment.

I. Sales and Use Tax-Exemptions

DISCUSSION

Taxpayer protests the imposition of sales/use tax with respect to two vendors that taxpayer maintains are exempt from sales tax. Taxpayer has not provided a copy of the exemption certificates, required under Ind. Code § 6-2.5-8-8, and accordingly the protest must be denied.

FINDING

Taxpayer's protest is denied.

II. Tax Administration-Penalty

DISCUSSION

Taxpayer protests the imposition of the ten percent (10%) negligence penalty for all taxes that the Department has imposed. Penalty waiver is permitted if the taxpayer shows that the failure to pay the full amount of the tax was due to reasonable cause and not due to willful neglect. Ind. Code § 6-8.1-10-2.1. The Indiana Administrative Code further provides:

(b) "Negligence" on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

(c) The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section. Factors which may be considered in determining reasonable cause include, but are not limited to:

- (1) the nature of the tax involved;
- (2) judicial precedents set by Indiana courts;
- (3) judicial precedents established in jurisdictions outside Indiana;
- (4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc.;
- (5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

45 IAC 15-11-2.

Taxpayer has failed to provide sales tax exemption certificates for the customers in controversy. The simple step of ensuring that taxpayer or customer provides an exemption certificate is a statutory requirement prior to conducting a potentially taxable transaction. Taxpayer has failed to meet the appropriate standard of care expected of a taxpayer.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

04-20020194.LOF

LETTER OF FINDINGS NUMBER: 02-0194

Sales/Use Tax

For the Year 1997

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of

publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Sales and Use Tax-Exemptions

Authority: Ind. Code § 6-2.5-8-8.

Taxpayer protests the assessment of sales and use tax with respect to sales made to several customers Taxpayer believed were not subject to sales and use tax.

II. Tax Administration - Penalty

Authority: Ind. Code § 6-8.1-10-2.1; 45 IAC 15-11-2(b).

Taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

Taxpayer is a seller of computer software, particularly anti-virus and security software. During the taxable years in question, taxpayer did not remit sales tax with respect to several purchases that taxpayer claimed were exempt for Indiana sales tax. During the course of audit, taxpayer was unable to provide exemption certificates or special exemption certificates for two customers. Audit assessed additional sales tax and penalty, and taxpayer filed a protest of tax with respect to two customers, and penalty with respect to the entire assessment.

I. Sales and Use Tax-Exemptions

DISCUSSION

Taxpayer protests the imposition of sales/use tax with respect to two vendors that taxpayer maintains are exempt from sales tax. Taxpayer has not provided a copy of the exemption certificates, required under Ind. Code § 6-2.5-8-8, and accordingly the protest must be denied.

FINDING

Taxpayer's protest is denied.

II. Tax Administration-Penalty

DISCUSSION

Taxpayer protests the imposition of the ten percent (10%) negligence penalty for all taxes that the Department has imposed. Penalty waiver is permitted if the taxpayer shows that the failure to pay the full amount of the tax was due to reasonable cause and not due to willful neglect. IC 6-8.1-10-2. The Indiana Administrative Code further provides:

(b) "Negligence" on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

(c) The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section. Factors which may be considered in determining reasonable cause include, but are not limited to:

- (1) the nature of the tax involved;
- (2) judicial precedents set by Indiana courts;
- (3) judicial precedents established in jurisdictions outside Indiana;
- (4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc.;
- (5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

45 IAC 15-11-2.

Taxpayer has failed to provide sales tax exemption certificates for the customers in controversy. The simple step of ensuring that taxpayer or customer provides an exemption certificate is a statutory requirement prior to conducting a potentially taxable transaction. Taxpayer has failed to meet the appropriate standard of care expected of a taxpayer.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420020233.LOF

LETTER OF FINDINGS NUMBER: 02-0233

Sales and Use Tax

For the Years 1999-2000

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Sales and Use Tax-Imposition of Sales Tax

Authority: IC 6-8.1-5-1 (b), IC 6-8.1-5-4, IC 6-2.5-2-1.

The taxpayer protests the imposition of sales tax.

II. Sales and Use Tax-Imposition of Use Tax

Authority: IC 6-2.5-3-2 (a).

The taxpayer protests the imposition of use tax on certain items.

III. Tax Administration-Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the negligence penalty.

STATEMENT OF FACTS

The taxpayer is a tattoo and piercing emporium featuring painless tattooing, surgical sterilization, custom work, cover ups, and body jewelry. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional sales tax, use tax, interest, and penalty for the tax period 1999-2000. The taxpayer protested the assessments of sales tax, use tax, and penalty. A hearing was held and this Letter of Findings results.

I. Sales and Use Tax-Imposition of Sales Tax

DISCUSSION

All tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1. Taxpayers are required to keep and produce at the department's request any books and records necessary for the department to determine the taxpayer's correct tax liability. IC 6-8.1-5-4. Indiana imposes a sales tax on the transfer of property in a retail transaction. The tax is paid by the purchaser to the seller who holds the tax money as agent for the state. IC 6-2.5-2-1.

The taxpayer's taxable sales consisted of replacement earrings and body jewelry. The taxpayer filed sales tax returns on a quarterly basis in 1999 and a monthly basis in 2000. Prior to the completion of the audit, the taxpayer filed a sales tax return for the third quarter of 1999. The taxable sales reported on this return were not consistent with the amounts filed for the other three quarters of 1999. Since the figures could not be verified with the records the taxpayer provided, the average of the three periods reported previously was used to determine the amount of taxable sales for the third quarter of 1999. The taxpayer also did not file sales tax returns for October, November, and December of 2000. The average taxable sales from the reported months were used to determine the amount of taxable sales for the missing months. The taxpayer protested this assessment contending that some of the sales were exempt from the imposition of sales tax. No documentation was presented, however, to substantiate this contention. Therefore, the taxpayer did not sustain its burden of proving that the proposed assessment of sales tax was incorrect.

FINDING

The taxpayer's protest is denied.

II. Sales and Use Tax-Imposition of Use Tax

DISCUSSION

Complementary to the sales tax, Indiana imposes an excise tax on tangible personal property stored, used, or consumed in Indiana when no sales tax was paid at the time of purchase. IC 6-2.5-3-2 (a). The taxpayer made purchases from various vendors with the description listed as "supplies." The taxpayer also purchased equipment, repair parts, office supplies, and subscriptions on which the department assessed use tax. The taxpayer protested this assessment claiming that it had actually paid sales tax on some of these items at the point of purchase. In support of this contention, the taxpayer submitted documentation such as receipts indicating that sales tax was paid at the time of purchase on some of the taxed items.

FINDING

The taxpayer's protest is sustained to the extent that the documentation indicates the taxpayer actually paid sales tax at the point of purchase on any of the items on which use tax was imposed in the audit.

III. Tax Administration-Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana

Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The taxpayer failed to use reasonable care in determining the amount of tax due to the state each month. Further, the taxpayer disregarded its duty to keep adequate records and present them to the state upon request. These breaches of the taxpayer's duty constitute negligence.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

42-20020363.LOF

LETTER OF FINDINGS NUMBER: 02-0363

IFTA

For the Years 1998 and 1999

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. IFTA—Record Keeping

Authority: IFTA P560.100; P560.200; P560.300. P530.100; IC 6-8.1-10-1(e); IC 6-8.1-5-1(b); IC 6-8.1-10-2.1.

Taxpayer protests that it should receive an increase in tax paid credit.

STATEMENT OF FACTS

Taxpayer is protesting for an increase in the tax paid credit. Specifically, the taxpayer argues that it should receive an increased credit for Ohio tax paid fuel. The Department contends that the taxpayer has not presented correct and sufficient records to allow an increase in the tax paid credit.

I. IFTA—Record Keeping

DISCUSSION

Indiana is a member of the International Fuel Tax Agreement ("IFTA"). IFTA rules P560.100 provide that—

Retail purchases must be supported by a receipt or invoice, credit card receipt, automated vendor generated invoice or transaction listing, or microfilm/microfiche of the receipt or invoice. Receipts that have been altered or indicate erasures are not accepted for tax-paid credits unless the licensee can demonstrate the receipt is valid.

Furthermore, IFTA P560.200 and P560.300 state the following:

Receipts for retail fuel purchases must identify the vehicle by the plate or unit number or other licensee identifier, as distance traveled and fuel consumption may be reported only for vehicles identified as part of the licensee's operation. [P560.200]

An acceptable receipt or invoice must include, but shall not be limited to, the following:

- .005 Date of purchase;
- .010 Seller's name and address;
- .015 Number of gallons or liters purchased;
- .020 Fuel type;
- .025 Price per gallon or liter or total amount of sale;
- .030 Unit numbers; and
- .035 Purchaser's name [P560.300, parenthetical omitted]

Additionally the IFTA agreement has recordkeeping requirements. For instance, P530.100 states in part that "Failure to maintain records ... may result in an assessment...."

With the IFTA requirements in mind, we can now turn to the taxpayer's argument. Taxpayer describes in correspondence its position:

Most of [Taxpayer's] assessment was generated from the fuel usage in the State of Ohio. We have previously paid the assessment unrelated to Ohio purchases. The vehicles that are used in Ohio stay in Ohio. The fuel that they use is either from

a bulk fuel storage tank that we have in Ohio and pay fuel tax in Ohio or from using Fleet Fueling cards at gas stations within Ohio.

And further:

We were not given any credit for tax paid on diesel fuel purchased in Ohio on our credit cards. The Fleet Fueling cards were used exclusively in Ohio and I have previously submitted the monthly Fleet Fueling statements showing the diesel fuel purchased including locations and monthly financial statements showing that the fuel purchased was indeed expensed to our Ohio division. *When fueling our equipment, our foremen wrote their pickup trucks number on the receipts regardless if they were fueling their pickup, backhoe, dump truck, etc. Our pickup trucks run on gasoline not diesel fuel so obviously diesel fuel was purchased for other equipment. I believe tax paid credit should be granted on the Fleet Fueling credit card purchases because it is reasonable that the diesel fuel was consumed by our equipment. (Italics added)*

The Department's position is that a fuel receipt with specific verification that the fuel was placed into a subject vehicle is needed to receive the tax paid credit. The Department determined the financial summary sheets the taxpayer provided were incomplete and not sufficient.

As noted by the IFTA language quoted earlier, IFTA requires a receipt or invoice that is vehicle specific (hence the "unit number" requirements). Taxpayer did not do this, therefore taxpayer is not entitled to an increase in tax paid credit.

Taxpayer also mentions towards the end of a letter to the Department that it would like penalties and interest abated. Interest cannot be waived by statute (IC 6-8.1-10-1(e)), and the taxpayer, who bears the burden of "proving the proposed assessment is wrong" under IC 6-8.1-5-1(b) has not developed any arguments on the penalty assessed per IC 6-8.1-10-2.1.

FINDING

Taxpayer's protests are denied.

DEPARTMENT OF STATE REVENUE

0220020501.LOF

LETTER OF FINDINGS: 02-0501

Indiana Corporate Income Tax

For 1998

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Exclusion of Taxpayer's Telemarketing Subsidiary from Taxpayer's Consolidated Adjusted Gross Income Tax Return.

Authority: IC 6-3-2-2(a); IC 6-3-2-2(l); IC 6-3-2-2(m); IC 6-3-4-14(a); IC 6-3-4-14(b); 45 IAC 3.1-1-38; 45 IAC 3.1-1-110; 45 IAC 3.1-1-111.

Taxpayer argues that the Department of Revenue (Department) erred when it excluded taxpayer's telemarketing subsidiary from taxpayer's consolidated adjusted gross income tax return. Taxpayer maintains that, by virtue of the telemarketing subsidiary's activities within the state, it has established an Indiana nexus and that the telemarketing subsidiary should have been included in the calculation of its Indiana adjusted gross income.

STATEMENT OF FACTS

Taxpayer is an affiliated group of companies engaged in the funeral and cemetery business. Taxpayer submitted consolidated Indiana tax returns reporting its state income tax liabilities. The Department conducted an audit review of these returns making a number of adjustments. Included among those adjustments was a determination that taxpayer's telemarketing subsidiary should not have been included in the 1998 consolidated return. The decision to eliminate the telemarketing subsidiary had the result of increasing taxpayer's state income tax liability. Taxpayer challenged the decision resulting in various communications between the Department and the taxpayer the net result of which was that the Department declined to reverse its original decision excluding the subsidiary. Taxpayer submitted a protest, an administrative hearing was conducted during which taxpayer further explained the basis for its protest, and this Letter of Findings results.

DISCUSSION

I. Exclusion of Taxpayer's Telemarketing Subsidiary from Taxpayer's Consolidated Adjusted Gross Income Tax Return.

Taxpayer is a multi-state company which supplies consumers with funeral and cemetery services. As part of that business, taxpayer owns an out-of-state telemarketing subsidiary which sells consumers pre-need insurance policies. The telemarketing subsidiary has an Indiana business location which – during the relevant period and at various times – employed between one and seven part-time employees. These employees earned approximately \$17,000 in total wages during 1998.

The telemarketing subsidiary conducts its Indiana operation from a location owned by one of taxpayer's other subsidiaries. The telemarketing company does not own any real property in Indiana. Taxpayer has submitted evidence indicating that telemarketing subsidiary owns approximately \$1,000 worth of office furniture at the Indiana location. Taxpayer has submitted information indicating that the Indiana telemarketing subsidiary was "charged" with purchasing computer software containing residential telephone listings. This software cost approximately \$2,700.

Taxpayer's telemarketing business works like this:

1. Telemarketing subsidiary hires part-time employees who work out of borrowed office space.
2. Telemarketing subsidiary's employees call Indiana residents soliciting the sale of pre-need insurance policies.
3. If the recipient of the phone call expresses interest, the telemarketer will send the prospective customer an insurance policy application form. The telemarketer does not sell the insurance policy; the telemarketer opens up the possibility that the prospective customer will complete the application and buy insurance from the related insurer.
4. Prospective customer sends a completed application to related insurance company. Related insurance company then decides whether to accept the application. If it does, the transaction is completed, one of taxpayer's local funeral homes is designated the beneficiary, and customer sends premium payments to related insurer.
5. Once related insurer begins to receive the insured's payments, the related insurer owes taxpayer a commission by virtue of the fact that telemarketing subsidiary solicited the sale of the underlying insurance policy.
6. Yet another of taxpayer's subsidiaries – acting as common paymaster – receives and then forwards the commissions to the individual telemarketer who originally invited the sale.

Therefore, telemarketing subsidiary's Indiana business consists of hiring part-time employees who facilitate the sale of insurance policies sold by a related insurer. In consideration of a completed sale insurer pays commissions to taxpayer's common paymaster subsidiary which then forwards those commissions to the originating telemarketer. Telemarketing subsidiary owns personal property consisting of office furniture and computerized phone lists.

The issue is whether taxpayer was correct when it decided to include the telemarketing subsidiary in its consolidated state income tax return.

IC 6-3-4-14(a) provides that, "An affiliated group of corporations shall have the privilege of filing a consolidated return with respect to the taxes imposed by IC 6-3."

The Department's regulation states that, "An affiliated group as defined in IC 6-3-4-14(b) may file consolidated returns for Adjusted Gross Income Tax and Supplemental Net Income Tax...." 45 IAC 3.1-1-110. The term, "affiliated group," is defined at 45 IAC 3.1-1-111 which provides that "The Adjusted Gross Income Tax Act adopts the definition of 'affiliated group' contained in Internal Revenue Code Section 1504, except that no member of the affiliated group may be included in the Indiana return unless it has adjusted gross income derived from sources within the state, as that phrase is defined in IC 6-3-2-2."

I.R.C. § 1504 defines, among other things, the degree of ownership which must exist before related businesses can be considered to be members of a federal "affiliated group." For purpose of this discussion, it will be assumed that taxpayer owns the telemarketing subsidiary and that there are no I.R.C. "ownership" questions which otherwise affect parties qualifications to be included as members of a federal "affiliated group."

However, qualifying under I.R.C. § 1504 – standing alone – is not sufficient to qualify the related businesses to file an Indiana consolidated tax return. In this situation, the telemarketing subsidiary must have received "adjusted gross income derived from sources with the state, as that phrase is defined in IC 6-3-2-2." 45 IAC 3.1-1-111.

IC 6-3-2-2(a) provides as follows:

With regard to corporations and nonresident persons "adjusted gross income derived from sources with Indiana", for purposes of this article, shall mean and include:

- (1) income from real or tangible personal property located in this state;
- (2) income from doing business in this state;
- (3) income from a trade or profession conducted in this state;
- (4) compensation from a trade or profession conducted in this state; and
- (5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other intangible personal property if the receipt from the intangible is attributable to Indiana under section 2.2 of this chapter.

The Department's regulation sets out a definition for "doing business" within the state. The regulation states:

For apportionment purposes, a taxpayer is "doing business" in a state if it operates a business enterprise or activity in such a state including, but not limited to:

- (1) Maintenance of an office or other place of business in the state
- (2) Maintenance of an inventory of merchandise or material for sale distribution, or manufacture, or consigned goods
- (3) Sale or distribution of merchandise to customers in the state directly from company-owned or operated vehicles where title to the goods passes at the time of sale or distribution

- (4) Rendering services to customers in the state
- (5) Ownership, rental or operation of a business or of property (real or personal) in the state
- (6) Acceptance of orders in the state
- (7) Any other act in such state which exceeds the mere solicitation of orders so as to give the state nexus under P.L. 86-272 to tax its net income. 45 IAC 3.1-1-38.

Presumably, taxpayer maintains that the telemarketing subsidiary is “doing business” within Indiana because the subsidiary’s employees makes phone calls from “an office or other place of business in the state” or because it is “[r]endering services to customers in the state.” *Id.* However, even if taxpayer was able to demonstrate that telemarketing subsidiary earned its money from doing business within the state and even if taxpayer was able to demonstrate that its borrowed office space and part-time employees established the requisite Indiana nexus, the audit would have been justified in eliminating the telemarketing subsidiary from the consolidated return in order to more fairly reflect taxpayer’s Indiana income. IC 6-3-2-2(l) provides as follows:

If the allocation and apportionment provisions of this article do not fairly represent the taxpayer’s income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer’s business activity, if reasonable;

- (1) separate accounting;
- (2) the exclusion of any one (1) or more of the factors;
- (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer’s income derived from sources within the state of Indiana; or
- (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer’s income.

In addition, IC 6-3-2-2(m) provides:

In the case of two (2) or more organizations, trades or businesses owned or controlled directly or indirectly by the same interests, the department shall distribute, apportion, or allocate the income derived from sources within the state of Indiana between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the state of Indiana by various taxpayers.

IC 6-3-2-2(l), (m) provides the Department discretionary authority to adjust the allocation and apportionment provisions of the adjusted gross income tax in order to arrive at an equitable and accurate allocation of the taxpayer’s Indiana income. The goal is to “fairly reflect... the income derived from sources with the state....” IC 6-3-2-2(m).

The telemarketing subsidiary has only a tenuous connection with this state. The telemarketing subsidiary did not own any real property in the state, owned a small amount of personal property here, and paid its part-time employees approximately \$17,000 in wages during 1998. The \$17,000 in Indiana wages represents less than one-tenth of a percent of its payroll “everywhere.” On the basis of this tenuous relationship, taxpayer proposes to include the telemarketing subsidiary within the Indiana consolidated return and – as a result – import into Indiana a portion of its telemarketing subsidiary’s \$20,000,000 1998 losses. The Department is unable to conclude that such a result would fairly reflect taxpayer’s Indiana adjusted gross income for 1998.

FINDING

Taxpayer’s protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

02-20030023.LOF

LETTER OF FINDINGS NUMBER: 03-0023

Gross Income Tax

For the Years 1997-2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUES

I. Gross Income Tax-Unsegregated receipts

Authority: Ind. Code § 6-2.1-2-3; Ind. Code § 6-2.1-2-4; Ind. Code § 6-2.1-2-7.

Taxpayer protests the imposition of gross income tax at the high rate for payments with respect to contracts in which services and material were not otherwise separately stated, when taxpayer had other, separate contracts that broke out labor and materials separately, and other contracts for labor only and materials only.

II. Gross Income Tax-Asset sale proceeds

Authority: 11 U.S.C. § 1146(c); *In re 995 Fifth Avenue Associates, L.P.*, 963 F.2d 503, 511 (2nd Cir. 1992); *In re Jacoby-Bender*,

Inc. 40 B.R. 10 (Bankr. E.D.N.Y. 1984), aff'd 758 F.2d 840 (2nd Cir. 1985); Aztar Indiana Gaming Corp. v. Indiana Dept. of State Revenue, 806 N.E.2d 381 (Ind. Tax 2004).

Taxpayer protests the imposition of gross income tax with respect to sale proceeds of taxpayer with respect to a sale of property to a new corporation while taxpayer's business was in bankruptcy.

III. Tax Administration – Interest

Authority: Ind. Code § 6-8.1-10-1; 11 U.S.C. § 502(b)(2).

Taxpayer protests the imposition of interest after the date taxpayer filed for bankruptcy.

IV. Tax Administration - Penalty

Authority: Ind. Code § 6-8.1-10-2.1; 45 IAC 15-11-2(b).

Taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

Taxpayer is a business engaged in automobile windshield repair and replacement. During the taxable years in question, taxpayer had several transactions, which can best be summarized into four categories: labor only, materials only, materials and labor, and "one-stop" transactions, in which labor and materials were not separately itemized. As a result of audit, Department reclassified receipts for "one-stop" transactions for gross income tax from the low (0.3%) rate to the high (1.2%) rate. In so doing, the Department used a cross-sample of receipts for one month, determined the percentage of receipts that were unsegregated receipts-approximately seventy-eight percent of its total receipts-to the total amount of all receipts for that month, then applied the percentage to total receipts for the years in question. Taxpayer agrees with the method for determining the percentage of receipts that were unsegregated; however, taxpayer protests the imposition of the tax at the higher rate on the entire amount of those receipts, rather than a percentage based on the material-labor ratio of the receipts that showed such amounts separately.

During 2000, taxpayer filed for bankruptcy. As part of the bankruptcy, taxpayer sold all of its capital assets other than real estate to a new corporation. Audit assessed gross income tax on the proceeds from the sale. Taxpayer has also protested this assessment, stating that the federal bankruptcy law forbids the assessment of this tax in the case of bankruptcy. Taxpayer also protests the assessment of interest from the date of its bankruptcy filing to present, stating that its bankruptcy order prohibits the assessment of post-petition interest, and protests the penalty for negligence.

I. Gross Income Tax-Unsegregated receipts

DISCUSSION

Taxpayer protests the imposition of gross income tax at the high rate. In general, a taxpayer's receipts from transactions stated in Ind. Code § 6-2.1-2-4-generally, the sale of tangible personal property- are taxable at a rate of 0.3%. Ind. Code § 6-2.1-2-3(a). However, receipts from other transactions are taxable at a rate of 1.2%. Ind. Code § 6-2.1-2-3(b). Further, if a taxpayer does not specify with respect to its records whether the transaction is subject to tax at the high rate or at the low rate, it is taxable at the high rate. Ind. Code § 6-2.1-2-7.

In this instance, taxpayer's records did not reflect what portion of the sales represented the products provided and what portion represented the labor to install the products. Even if taxpayer's method of setting forth the portions of material and labor is a reasonable representation of each portion, taxpayer has not separately stated the portions taxable at the low rate and at the high rate. Therefore, taxpayer is taxable on the unsegregated receipts at the high rate.

FINDING

Taxpayer's protest is denied.

II. Gross Income Tax-Asset sale proceeds

DISCUSSION

Taxpayer also protests the assessment of gross income tax with respect to its sale of operating assets as part of its bankruptcy reorganization. No apparent argument exists with respect to the proper imposition of the gross income tax other than the those related to the bankruptcy code. In particular, taxpayer argues that the gross income taxes imposed by Indiana would be in violation of 11 U.S.C. § 1146(c). That section states "[t]he issuance, transfer, or exchange of a security, or the making or delivery of an instrument of transfer under a plan confirmed under section 1129 of this title, may not be taxed under any law imposing a stamp tax or similar tax."

The statute in question has been held to be applicable generally for stamp or other nominal taxes associated with the transfer of property by written document. Elements include that the taxes

(1) they are imposed only at the time of transfer or sale of the item at issue; (2) the amount due is determined by the consideration for, par value of, or value of the item being transferred; (3) the tax rate is a relatively small percentage of the consideration, par value or value of the property; (4) the tax is imposed irrespective of whether the transferor enjoyed a gain or suffered a loss on the underlying sale or transfer; and (5) in the case of state [**26] documentary transfer taxes, the tax must be paid as a prerequisite to recording.

In re 995 Fifth Avenue Associates, L.P., 963 F.2d 503, 512 (2nd Cir. 1992). In general, the court in that case noted that stamp taxes, undefined in the bankruptcy code, generally were nominal- less than one percent of the recited consideration. *Id.* at 511. However, in the case of income taxes imposed on associated gains with transfers of property, the statute has been held to not be

applicable. *Id.* at 513; *In re Jacoby-Bender, Inc.* 40 B.R. 10 (Bankr. E.D.N.Y. 1984), *aff'd* 758 F.2d 840 (2nd Cir. 1985). In these cases, the taxpayers, companies which had filed for bankruptcy, sold real estate in New York, and realized a gain on the sale of the property. New York sought to impose a gains tax of ten percent on the gain realized by taxpayer. Taxpayer, however, maintained that the bankruptcy laws prohibited assessment of the tax. The court, noting that the tax was only imposed on the gain from the sale, that the only use of consideration was measurement of the gain, and that the tax rate of ten percent was much greater than stamp taxes, permitted the gains tax assessment to stand.

In the present case, the gross income tax that the Department seeks to impose against taxpayer is different than a prohibited stamp or similar tax. While the tax has certain elements of the test provided by *955 Fifth Avenue Associates*- the taxes are only imposed at the time of transfer or sale of the item at issue, the gross income tax is measured by the proceeds of the sale, and the tax is imposed at low rates- either 0.3% or 1.2%- the gross income tax is not a state documentary transfer tax, and thus the issue of payment as a prerequisite for reporting does not arise. It is a tax on the privilege of receiving income derived from sources in the state of Indiana. *Azstar Indiana Gaming Corp. v. Indiana Dept. of State Revenue*, 806 N.E.2d 381 (Ind. Tax 2004) (*citing Miles v. Dep't of Treasury*, 209 Ind. 172, 199 N.E. 372 (Ind. 1935)). As such, the tax is not a stamp or similar tax, and accordingly the tax does not fall within the ambit of proscribed taxes under the federal bankruptcy code.

FINDING

Taxpayer's protest is denied.

III. Tax Administration-Interest

DISCUSSION

Taxpayer protests the imposition of interest from the date taxpayer filed for bankruptcy to present. Taxpayer argues that the filing of the bankruptcy petition precludes the Department from assessing interest against the taxpayer, and therefore this should be waived.

Under Ind. Code § 6-8.1-10-1, interest cannot be waived by the Department. However, because of the Bankruptcy Court's ruling, post-petition interest cannot be assessed under 11 U.S.C. § 502(b)(2).

FINDING

Taxpayer's protest is sustained.

IV. Tax Administration-Penalty

DISCUSSION

Taxpayer protests the imposition of the ten percent (10%) negligence penalty for all taxes that the Department has imposed. Penalty waiver is permitted if the taxpayer shows that the failure to pay the full amount of the tax was due to reasonable cause and not due to willful neglect. IC 6-8.1-10-2. The Indiana Administrative Code further provides:

(b) "Negligence" on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

(c) The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section. Factors which may be considered in determining reasonable cause include, but are not limited to:

- (1) the nature of the tax involved;
- (2) judicial precedents set by Indiana courts;
- (3) judicial precedents established in jurisdictions outside Indiana;
- (4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc.;
- (5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

45 IAC 15-11-2.

With respect to taxpayer's protest, taxpayer's failure to properly compute and remit tax on a substantial majority of its total receipts, despite clear statutory authority, does not give rise to an inference of reasonable care by the taxpayer. However, for the taxable year of its bankruptcy, 2001, taxpayer has presented reasonable cause for that year only.

FINDING

Taxpayer's protest is denied for taxable years 1997-2000. Taxpayer's protest is sustained with respect to taxable year 2001.

DEPARTMENT OF STATE REVENUE

0220030155.LOF

LETTER OF FINDINGS NUMBER: 03-0155

Gross Income Tax

For the Years 1997- 2000

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Gross Income Tax-Imposition

Authority: IC 6-8.1-5-1(b), IC 6-2.1-2-2(a)(2), IC 6-2.1-3-3, 45 IAC 1.1-3-3(d)(6).

The taxpayer protests the imposition of gross income tax on the income from certain sales.

STATEMENT OF FACTS

The taxpayer is an international corporation that manufactures over six thousand (6000) products. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional gross income tax, interest, and penalty. The taxpayer protested the assessment of gross income tax on certain sales. A hearing was held on this issue. This Letter of Findings results.

I. Gross Income Tax-Imposition

DISCUSSION

All tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1.

The taxpayer sells a chemical product to an Indiana manufacturer. The product is produced and shipped from the taxpayer's out of state plant. The taxpayer has a dedicated fleet of railcars that run between the taxpayer's manufacturing plant to the Indiana buyer's plant. At any given time, roughly 15-20 railcars are in transit to the Indiana buyer and 10-15 are returning to the manufacturing plant. The inventory remains in the rail car in Indiana for an average of two days before being delivered to the buyer. The contract states that "... title and risk of loss for all product sold hereunder shall pass to Buyer upon delivery of Product to Buyer's plant..." The product is not delivered to the plant until it is removed from the rail car. The taxpayer bills the customer twice monthly. The buyer is required to pay for the product on a net cash basis within 30 days from the date on which title to each shipment of the product passes from the taxpayer to the buyer.

Indiana imposes a gross income tax on "the taxable gross income derived from activities or businesses or any other sources within Indiana by a taxpayer who is not a resident or a domiciliary of Indiana." IC 6-2.1-2-2(a)(2). Pursuant to this statute, the department assessed gross income tax on the taxpayer's receipts from the sale of the product to the Indiana manufacturing concern. The taxpayer protested this assessment.

The taxpayer argued that previous audits did not impose gross income tax on the proceeds from these sales of product pursuant to the interstate commerce exemption found at IC 6-2.1-3-3 as follows:

Gross income derived from business conducted in commerce between the state of Indiana and either another state or a foreign country is exempt from gross income tax to the extent the state of Indiana is prohibited from taxing that gross income by the United States Constitution.

The taxpayer argued that the transactions in this audit period were essentially the same as the exempt transactions from the previous audits. The only change was the provision stating that title to the property changes when the property is delivered to the manufacturing plant in Indiana. Since this change was instituted merely to accommodate the need for the buyer to show productivity improvement, the taxpayer considers it inconsequential. The taxpayer errs in this conclusion. No matter the reason for the change in contractual terms, the contract during the audit period clearly stated that the taxpayer owned the property until such time as it was unloaded at the buyer's facility. The buyer pays a pre-determined price for the product it receives at its manufacturing plant in Indiana.

The term "sale" is defined in BLACK'S LAW DICTIONARY, page 1337, (6th Edition, 1990.) as follows:

... Transfer of property for a fixed price in money or its equivalent. A contract between two parties, called, respectively, the "seller" (or vendor) and the "buyer" (or purchaser), by which the former, in consideration of the payment or promise of payment of a certain price in money, transfers to the latter the title and the possession of property....

Since the revision of the contract, the taxpayer manufactures product in another state, ships the product to Indiana, stores the product in Indiana and then transfers title and possession of the product for a certain price to the purchaser in Indiana. This is a sale that takes place in Indiana. This is the exact situation described as subject to the Indiana gross income tax at 45 IAC 1.1-3-3(d)(6).

The taxpayer cited an unpublished Indiana Tax Court Case in support of its argument. Since the case is unpublished, it cannot be used as precedent by other taxpayers.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120040082.LOF

**LETTER OF FINDINGS: 04-0082
Indiana Individual Income Tax
For 2000**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

I. Legitimacy of Assessment Document.

Authority: IC 6-8.1-5-1(a); 44 U.S.C.S. §§ 3501-3520; 44 U.S.C.S. § 3501(1); 5 C.F.R. § 1320.7 (1990).

Taxpayer maintains that the notice of proposed assessment is a "bootleg" document because it is unsigned and because the assessment notice does not have an "OMB" number.

II. Definition of Income.

Authority: Ind. Const. art X, § 8; IC 6-3-1-3.5 et seq.; IC 6-3-1-9; IC 6-3-1-12; IC 6-3-1-15; I.R.C. § 61; I.R.C. § 61(a); I.R.C. § 62; New York v. Graves, 300 U.S. 308 (1937); United States v. Supplee-Biddle Hardware Co., 265 U.S. 189 (1924); Doyle v. Mitchell, 247 U.S. 179 (1918); Stratton's Independence v. Hobert, 231 U.S. 399 (1913); Wilcox v. Commissioner of Internal Revenue, 848 F.2d 1007 (9th Cir. 1988); Coleman v. Commissioner of Internal Revenue, 791 F.2d 68 (7th Cir. 1986); United States v. Koliboski, 732 F.2d 1328 (7th Cir. 1984); United States v. Romero, 640 F.2d 1014 (9th Cir. 1981); United States v. Ballard, 535 F.2d 400 (8th Cir. 1976); United States v. Connor, 898 F.2d 942, 943 (3rd Cir. 1990) Snyder v. Indiana Dept. of State Revenue, 723 N.E.2d 487 (Ind. Tax Ct. 2000); Thomas v. Indiana Dept. of State Revenue, 675 N.E.2d 362 (Ind. Tax. Ct. 1997); Richey v. Indiana Dept. of State Revenue, 634 N.E.2d 1375 (Ind. Tax Ct. 1994).

Taxpayer argues that only corporate profits are subject to federal and state taxes. Because taxpayer is not a corporation, and did not receive corporate "income," taxpayer is of the opinion that he did not obtain taxable income.

STATEMENT OF FACTS

Taxpayers are Indiana residents who prepared and submitted a joint state tax return. For simplicity's sake, both parties are hereinafter simply referred to as "taxpayer." Except for the amount of money claimed as a refund, taxpayer filled out the return with "zeroes." The taxpayer's form was due on April 16, 2001.

On November 26, 2003, the Department of State Revenue (Department) sent taxpayer a notice of "Proposed Assessment" indicating that the Department had determined taxpayer owed additional state income tax. On January 18, 2004, taxpayer submitted a protest setting forth various arguments to the effect that taxpayer did not owe the tax. The protest was assigned to the Hearing Officer on February 27, 2004. However – despite repeated requests to do so – taxpayer declined the opportunity to take part in an administrative hearing in which taxpayer would have been provided the opportunity to explain the basis for taxpayer's protest. In addition, taxpayer declined the opportunity to submit additional written materials further explaining the basis for the protest.

Accordingly, this Letter of Findings has been written based upon the assertions contained within taxpayer's January 2004 protest letter. As best that could be discerned from the protest letter, taxpayer's arguments have been set out below.

DISCUSSION

I. Legitimacy of Assessment Document.

Taxpayer challenges the facial legitimacy of the November 2003 notice of "Proposed Assessment." It is taxpayer's contention that because the document does not have an OMB number, it is a "bootleg" document and that it is entitled to "simply ignore it." Taxpayer's reference is – presumably – to the Paperwork Reduction Act of 1980, 44 U.S.C.S. §§ 3501-3520, which was intended to "minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government." 44 U.S.C.S. § 3501(1). In implementing the statutory provision, the Office of Management and Budget, has promulgated regulations requiring that certain government numbers contain a control number. *See* 5 C.F.R. § 1320.7 (1990).

Taxpayer's complaint as to the absence of an OMB number is not well founded because neither the Paperwork Reduction Act nor the implementing regulations are applicable to documents prepared and issued by the state of Indiana.

Taxpayer also complains that the notice of proposed assessment is not signed. It is somewhat difficult to determine the specific nature of taxpayer's grievance. Although a personalized notice of proposed assessment might have certain advantages, there is nothing in the statutes or regulations which require that a notice of proposed assessment have a signature. It is sufficient that the

document place the taxpayer on notice of a potential tax deficiency and that the taxpayer be provided with the means by which to challenge that assessment. The statutes simply states that, “If the department reasonably believes that a person has not reported the proper amount of tax due, the department shall make a proposed assessment of the amount of unpaid tax on the basis of the best information available.” IC 6-8.1-5-1(a).

Taxpayer’s challenge as to the legitimacy of the November 2003 notice is entirely unfounded.

FINDING

Taxpayer’s protest is denied.

II. Definition of Income.

Taxpayer argues that he did not receive “income” during the year 2000. Liberally construed, taxpayer’s argument is that – for purposes of determining income tax liability – “income” can only be derivative of corporate activity. Therefore, as an individual Indiana resident who by definition did not receive “corporate” income, taxpayer is not subject to the adjusted gross income tax because the ordinary income received by individuals is not “taxable income.”

Taxpayer has provided a number of Supreme Court cases which purportedly support taxpayer’s basic contention. For example, taxpayer cites to Doyle v. Mitchell, 247 U.S. 179 (1918); Stratton’s Independence v. Hobert, 231 U.S. 406 (1913) and United States v. Ballard, 535 F.2d 400 (8th Cir. 1976) – as supporting his contention that the individual income tax can only be assessed against corporate gain. Taxpayer predicates this conclusion on selected case citations which, when taken together, purportedly limits the definition of “taxable income” to the definition originally established under the Civil War Income Tax Act of 1867. However, setting aside the question of the validity of taxpayer’s legal analysis, taxpayer’s conclusion concerning the definition of corporate income tax is totally irrelevant.

Taxpayer’s legal analysis stands for nothing more than, when read in isolation and selectively divorced from the factual setting under which the decisions were reached, a legal argument can be proposed which will support any legal conclusion no matter how fanciful that conclusion is. Taxpayer cites to cases in which the Court was asked to determine what constituted *corporate income* under the corporate income and excise taxes in effect at the time the Court reached its conclusion. To apply Supreme Court decisions limited to determining the efficacy and application of corporate income taxes to issues related to individual income tax may yield a certain desired result but the entire process is not legally, intellectually, or logically sound.

For example, taxpayer cites to United States v. Supplee-Biddle Hardware Co., 265 U.S. 189 (1924) as supporting the proposition that only corporations are subject to income tax. The issue in that case was whether or not life insurance proceeds received by a hardware company were subject to income tax. Id. at 193-94. The Supreme Court disagreed with the government’s contention that the life insurance proceeds were taxable income holding that “It is reasonable that the purpose of [the Revenue Act of 1918] to exclude the proceeds of life insurance policies from taxation in the case of individuals should be given the same effect in adapting its application to corporations, and that such proceeds should be excluded whether by the direction of the insured they were to specially named beneficiaries or were to inure to the estate of the insured.” Id. at 194. In the Supplee-Biddle case, the appellant won its argument; the hardware company did not have to pay income tax on life insurance proceeds. Id. However, there is nothing in this case – nor in the cited companion cases – which stand for the proposition that ordinary individuals are not subject to federal – or by extension – state income taxes.

Taxpayer cites to numerous cases each of which will not be addressed here. It is sufficient to say that the cases simply do not get the taxpayer where he wants to go. Nowhere in Supplee-Biddle or in any of the other cited cases, did the court find that individuals were not responsible for reporting their income and paying tax on that income.

The United States Supreme Court has clearly stated that the wages of individual citizens may be subjected to an adjusted gross income tax. In New York v. Graves, 300 U.S. 308 (1937), Justice Stone stated “That the receipt of income by a resident of the territory of a taxing sovereignty is a taxable event is universally recognized.” Id. at 312.

Since that 1937 decision, the Federal courts have consistently, repeatedly, and without exception, determined that individual wages are income. United States v. Connor, 898 F.2d 942, 943 (3rd Cir. 1990) (“Every court which has ever considered the issue has unequivocally rejected the argument that wages are not income”); Wilcox v. Commissioner of Internal Revenue, 848 F.2d 1007, 1008 (9th Cir. 1988) (“First, wages are income.”); Coleman v. Commissioner of Internal Revenue, 791 F.2d 68, 70 (7th Cir. 1986) (“Wages are income, and the tax on wages is constitutional.”); United States v. Koliboski, 732 F.2d 1328, 1329 n. 1 (7th Cir. 1984) (“Let us now put [the question] to rest: WAGES ARE INCOME. Any reading of tax cases by would-be tax protesters now should preclude a claim of good-faith belief that wages – or salaries – are not taxable”) (Emphasis in original); United States v. Romero, 640 F.2d 1014, 1016 (9th Cir. 1981) (“Compensation for labor or services, paid in the form of wages or salary, has been universally held by the courts of this republic to be income, subject to the income tax laws currently applicable.... [Taxpayer] seems to have been inspired by various tax protesting groups across the land who postulate weird and illogical theories of tax avoidance all to the detriment of the common weal [sic] and of themselves.”).

In addressing the identical issue, the Indiana Tax Court has held that, “Common definition, an overwhelming body of case law by the United States Supreme Court and Federal circuit courts, and this Court’s opinion... all support the conclusion that wages are income for purposes of Indiana’s adjusted gross income tax.” Snyder v. Indiana Dept. of State Revenue, 723 N.E.2d 487, 491 (Ind.

Tax Ct. 2000). *See also* Thomas v. Indiana Dept. of State Revenue, 675 N.E.2d 362 (Ind. Tax Ct. 1997); Richey v. Indiana Dept. of State Revenue, 634 N.E.2d 1375 (Ind. Tax Ct. 1994).

As set out in the Indiana Constitution, “The general assembly may levy and collect a tax upon income, from whatever source derived, at such rates, in such manner, and with such exemptions as may be prescribed by law.” Ind. Const. art X, § 8. The Indiana General Assembly exercised its constitutional prerogative by imposing an adjusted gross income tax on individuals and corporations. IC 6-3-1-3.5 et seq. In doing so, the General Assembly defined an individual subject to the adjusted gross income tax as a “natural born person, whether married or unmarried, adult or minor.” IC 6-3-1-9.

Taxpayer further argues that nowhere in the Internal Revenue Code is there a definition of “income.” Taxpayer errs. I.R.C. § 61(a) states as follows:

Except as otherwise provided in this subtitle, gross income means all income from whatever source derived, including (but not limited to) the following items:

- (1) Compensation for services, including fees, commissions, fringe benefits, and similar items;
- (2) Gross income derived from business;
- (3) Gains derived from dealings in property;
- (4) Interest;
- (5) Rents;
- (6) Royalties;
- (7) Dividends;
- (8) Alimony and separate maintenance payments;
- (9) Annuities;
- (10) Income from life insurance and endowment contracts;
- (11) Pensions.

Under I.R.C. § 62, taxpayer begins calculating his adjusted gross income by starting with “gross income” as defined under I.R.C. § 61. According to his W2 forms, taxpayer apparently received “wages, tips, other compensation” during 2000. Therefore, taxpayer must include those amounts as part of his reported “gross income.” Taxpayer is then entitled to take whatever adjustments and deductions are available to him in determining the amount of adjusted gross income. Thereafter, the taxpayer is required to report the Federal adjusted gross income on his Indiana return and begin the process of calculating his Indiana tax liability.

Taxpayer is of the opinion that, with just the right combination of semantic technicalities, he can render himself immune from Federal and state tax liability. There is not one single Federal or state court case which supports such a far-fetched notion. Wishful thinking aside, given that taxpayer received gross income (I.R.C. § 61) in 2000, is an “individual” under IC 6-3-1-9, was a resident of Indiana for the year 2000 (IC 6-3-1-12), and is a “taxpayer” as defined within (IC 6-3-1-15), the statutes imposing the Indiana individual income tax apply with full force to taxpayer’s income.

FINDING

Taxpayer’s protest is denied.

DEPARTMENT OF STATE REVENUE

30-20040133.LOF

LETTER OF FINDINGS: 04-0133

Riverboat Wagering Tax

For Tax Period July 2002-June 2003

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUES

I. Riverboat Wagering Tax—Flexible Scheduling

Authority: IC 4-33-13-1; IC 4-33-13-1.5

The Department and taxpayer interpret the language of IC 4-33-13-1.5 differently. The parties disagree on how the riverboat wagering tax should be calculated.

STATEMENT OF FACTS

Taxpayer is an Indiana company authorized to engage in lawful gambling activities in Indiana. Taxpayer, holder of a Riverboat Owner’s License, operates a riverboat casino. Following the passage of enabling legislation (effective date July 1, 2002), taxpayer implemented flexible scheduling (“docksider gambling”) on August 1, 2002.

Under this new legislation, riverboats engaged in dockside gambling paid Indiana riverboat wagering tax (“wagering tax”) based on a graduated rate schedule. The graduated rate is applied to the “adjusted gross receipts received beginning the date flexible scheduling is implemented under IC 4-33-6-21.” IC 4-33-13-1.5(b), version b. In July 2002, taxpayer paid wagering tax based on the flat tax rate of 22.5%. Starting August 1, 2002, taxpayer paid wagering tax based on the graduated rate schedule. In determining which tax rate to apply under the graduated schedule, taxpayer did not take into account the adjusted gross receipts received in July 2002. Instead, taxpayer remitted wagering tax at the 15% tax rate for the first \$25 million of adjusted gross receipts that it received beginning August 1, 2002.

In 2003, the General Assembly amended IC 4-33-13-1.5. With amendments retroactive to July 1, 2002, the General Assembly deleted the language applying the graduated schedule “beginning the date that flexible scheduling is implemented under IC 4-33-6-21.” In its stead, the General Assembly added the following language:

If a riverboat implements flexible scheduling during any part of a period beginning July 1 of each year and ending June 30 of the following year, the tax rate imposed on the adjusted gross receipts received while the riverboat implements flexible scheduling shall be computed as if the riverboat had engaged in flexible scheduling during the entire period beginning July 1 of each year and ending June 30 of the following year.

IC 4-33-13-1.5(g).

Taxpayer acknowledges that it is liable for an additional amount of wagering tax. In recognition of the retroactive nature of the imposition statute, the General Assembly permitted the waiver of any penalties and interest associated with the retroactive provisions “if the riverboat pays the unpaid balance due in two (2) equal installments” on July 1, 2003, and July 1, 2004. P.L. 224-2003, § 48(e).

The Department calculated taxpayer’s wagering tax liability (i.e., the unpaid balance due) and determined that taxpayer owed \$4,390,402.24. An additional assessment was proposed. Taxpayer believes this assessment overstates its tax liability by \$1,646,401. Taxpayer protests this additional assessment to the extent the amount due exceeds \$2,744,001.24.

DISCUSSION

I. Riverboat Wagering Tax—Flexible Scheduling

This protest concerns the meaning of IC 4-33-13-1.5(g), which states:

If a riverboat implements flexible scheduling during any part of a period beginning July 1 of each year and ending June 30 of the following year, the tax rate imposed on the adjusted gross receipts received while the riverboat implements flexible scheduling shall be computed as if the riverboat had engaged in flexible scheduling during the entire period beginning July 1 of each year and ending June 30 of the following year.

IC 4-33-13-1.5(g).

This protest also concerns, tangentially, the meaning of IC 4-33-13-1.5(h), which states:

If a riverboat:

(1) implements flexible scheduling during any part of a period beginning July 1 of each year and ending June 30, of the following year; and

(2) before the end of that period ceases to operate the riverboat with flexible scheduling;

the riverboat shall continue to pay a wagering tax at the tax rates imposed under subsection (b) [i.e., the graduated rate structure] until the end of that period as if the riverboat had not ceased to conduct flexible scheduling.

IC 4-33-13-1.5(h).

Taxpayer contends the language of IC 4-33-13-1.5(g) and (h) stand for the proposition that “regardless of when a riverboat either begins or ends flexible scheduling during a twelve-month period, the General Assembly intends that one tax rate structure—the graduated tax rate structure—be applied to determine the total wagering tax paid for that period.” Taxpayer is mistaken.

Analysis

In Indiana, lawful riverboat gambling activities may be conducted in one of two ways—riverboats may provide gambling excursions or riverboats may implement flexible scheduling (i.e., offer dockside gambling). If gambling excursions are provided, the wagering tax is computed based on a flat rate of 22.5%. IC 4-33-13-1(b). If dockside gambling is offered, the wagering tax is computed based on a graduated rate schedule. IC 4-33-13-1.5(b).

The General Assembly included language in the respective imposition statutes regarding computation of the wagering tax to account for those situations in which a riverboat changes its mode of operations during the statutory twelve-month period (i.e., from July 1 through June 30 of the following year, the “twelve-month period”). That is, to account for those situations in which a riverboat ceases to provide gambling excursions in favor of dockside gambling—or ceases the latter for the former.

IC 4-33-13-1.5(h) provides guidance on how the wagering tax will be calculated after a riverboat has changed its mode of operations from dockside gambling to gambling excursions during the twelve-month period. IC 4-33-13.1.5(h), however, is silent on how the tax was calculated before this change occurred. IC 4-33-13-1.5(h) does not establish a single rate structure for the entire twelve-month period.

Similarly, IC 4-33-13-1.5(g) provides guidance on how the wagering tax will be calculated after a riverboat has changed its mode of operations during the twelve-month period from gambling excursions to dockside gambling. IC 4-33-13.1.5(g), likewise, is silent on how the tax was calculated before this change occurred. IC 4-33-13-1.5(g) does not establish a single rate structure for the entire twelve-month period.

Taxpayer's interpretation of IC 4-33-13-1.5(g) confuses (1) the imposition of the wagering tax based upon a graduated rate schedule with (2) the selection of the proper graduated rate. A condition precedent to the imposition of the wagering tax based on the graduated rate schedule is the implementation of flexible scheduling.

If a riverboat implements flexible scheduling...the tax rate imposed on the adjusted gross receipts received while the riverboat implements flexible scheduling shall be computed....

IC 4-33-13-1.5(g). (Emphasis added.)

Once flexible scheduling has been implemented, the graduated rate selected is determined by referencing the total adjusted gross receipts received during the entire statutory twelve-month period.

[T]he tax rate...shall be computed as if the riverboat had engaged in flexible scheduling during the entire period beginning July 1 of each year and ending June 30 of the following year.

Id. (Emphasis added.)

Noncode language included with the 2003 wagering tax amendments supports the Department's interpretation of IC 4-33-13-1.5(g).

Wagering taxes imposed under IC 4-33-13-1.5 on adjusted gross receipts received on or after the date that the riverboat implemented flexible scheduling under IC 4-33-6-21 must be calculated and deposited using a graduated wagering tax rate selected (as stated in IC 4-33-13-1.5) through a calculation that includes "adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year."

P.L. 224-2003, § 48(d) (effective July 1, 2002 (retroactive)). (Emphasis added.)

The General Assembly enacted legislation that is clear, concise, and unambiguous. Once taxpayer implemented flexible scheduling on August 1, 2002, taxpayer should have included its adjusted gross receipts received beginning July 1, 2002, in determining the proper graduated tax rate. Taxpayer, though, failed to do so. Furthermore, taxpayer's assertion that it should have used the graduated rate schedule to compute wagering taxes for tax periods prior to its implementation of flexible scheduling directly conflicts with the language of IC 4-33-13-1.5(g).

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420040150.LOF

LETTER OF FINDINGS NUMBER: 04-0150

Sales and Withholding Tax

Responsible Officer

For the Tax Period December, 2000-May, 2002

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

1. Sales and Withholding Tax-Responsible Officer Liability

Authority: IC 6-2.5-9-3, IC 6-3-4-8(f), IC 6-8.1-5-1(b).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales and withholding taxes.

STATEMENT OF FACTS

The Indiana Department of Revenue, hereinafter referred to as the "department," assessed sales, withholding taxes, interest and penalty against the taxpayer as a responsible officer of a corporation that did not properly remit said taxes during the tax period December, 2000 through May, 2002. The taxpayer protested the assessment of tax and penalty. This Letter of Findings is based upon the documentation in the file.

1. Sales and Withholding Tax-Responsible Officer Liability

DISCUSSION

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

- (1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and
- (2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The proposed withholding taxes were assessed against taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

The taxpayer provided significant documentation evidencing that he left his association with the corporation by November 6, 2000. Since the taxpayer was not an employee, officer, or member of the corporation from December 2000 through May, 2002, the taxpayer cannot be held personally responsible for trust taxes that the corporation did not remit to the state.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0320040189P.LOF

LETTER OF FINDINGS NUMBER: 04-0189P

Withholding Tax

For the month December 2003

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superceded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the late penalty.

STATEMENT OF FACTS

The late penalty was assessed on the late payment of a monthly withholding tax return. The withholding return in question is December 2003.

The taxpayer is a company located in Indiana.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer requests the penalty be waived as the filing of the withholding tax return was inadvertently late due to the transition of one accounting services provider to another accounting services provider. Furthermore, the taxpayer states the taxpayer has a good compliance record in filing tax returns and this payment record should be a factor in waiving the penalty.

With regard to the payment history, the Department points out that the taxpayer has had several late filings in the past. The Department does not feel the taxpayer has established a good payment history that would be a factor in waiving the penalty.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer was inattentive of tax duties. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0220040214P.LOF

LETTER OF FINDINGS NUMBER: 04-0214P

Income Tax

For the Years 1999-2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration- Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer is in the business of providing planning services for business meetings. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional income tax, interest, and penalty. The taxpayer protested the imposition of the ten percent (10%) negligence penalty. The taxpayer was given ample opportunity to schedule a hearing on the protest and/or submit additional information. Since the taxpayer did neither, this finding is based on the information in the file.

I. Tax Administration- Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The taxpayer had a duty to properly report its income from Indiana. Due to the taxpayer's carelessness in not assigning a branch number to its Carmel, Indiana office, some of its Indiana income was reported to Michigan. This breach of the taxpayer's duty to report its Indiana income constituted negligence.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420040215P.LOF

LETTER OF FINDINGS NUMBER: 04-0215P

Tax Administration—Penalty

For the Years 1999-2001

NOTICE: Under Ind. Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration—Penalty

Authority: 45 IAC 15-11-2

Taxpayer protests the 10% negligence penalty.

STATEMENT OF FACTS

The penalty was proposed in the first instance because the auditor determined taxpayer had reported exempt sales for which there were no valid exemption certificates. Further, taxpayer failed to accrue and remit use tax on marketing items shipped to Indiana customers. Taxpayer was aware of its duty to report such sales. Taxpayer argues that it had no intent to deprive the Department of the revenue owed. Taxpayer also argues that since the error percentages in the audit were so small, the penalty assessment is unfair. An audit conducted in 1993 had revealed similar issues regarding failure to have valid exemption certificates and failure to accrue and remit use tax.

I. Tax Administration-Penalty

DISCUSSION

Penalty assessments depend on a number of factors outlined in the regulation cited *supra*, and can be waived based on a showing of sufficient cause:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The Department finds the taxpayer did not act with reasonable care. Taxpayer freely admits mistakes were made, but argues it did not act in a willfully negligent manner. Taxpayer also cites its good payment history. However, taxpayer has known since 1993 of its responsibilities regarding valid exemption certificates and accruing and remitting use tax. The Department denies taxpayer's request to abate the 10% penalty assessment.

FINDING

Taxpayer's request to abate the 10% negligence penalty is denied.

DEPARTMENT OF STATE REVENUE

04-20040234P

LETTER OF FINDINGS NUMBER: 04-0234P

**Income Tax
For the Years 1998-1999**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration - Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer is in the business of manufacturing and selling PVC pipe, vinyl siding, vinyl windows, asphalt shingles, and insulation. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional income tax, interest, and penalty. The taxpayer protested the imposition of the ten percent (10%) negligence penalty. The taxpayer was given ample opportunity to schedule a hearing on the protest and/or submit additional information. Since the taxpayer did neither, this finding is based on the information in the file.

I. Tax Administration - Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The taxpayer did not pay sales tax or self assess use tax on materials used in the manufacturing of samples as clearly required by the law. This breach of the taxpayer's duty to read and follow instructions provided by the department constitutes negligence.

FINDING

The taxpayer's protest is denied.

**INDIANA BOARD OF TAX REVIEW
NONRULE POLICY DOCUMENT 2004-02**

Re: Preparation Of Agency Record

August 18, 2004

This policy document is issued to provide notice to parties intending to appeal an Indiana Board of Tax Review (IBTR) decision to the Tax Court of the process the agency uses for preparing and transmitting the official agency record of administrative proceedings.

1. Pursuant to Ind. Code § 6-1.5-2-1, the IBTR was created effective January 1, 2002. At the same time IC 4-21.5, the Administrative Orders and Procedures Act (AOPA), was amended to include appeals taken from decisions of the IBTR by naming the Indiana Tax Court as the venue for such appeals. Ind. Code § 4-21.5-5-6(e).
2. Pursuant to Ind. Tax Court Rule 3(E), a petitioner shall request the IBTR to prepare a certified copy of the agency record within thirty (30) days after filing the petition. *Id.* The Petitioner shall transmit a certified copy of the record to the Tax Court within thirty (30) days after having received notification from the IBTR that the record has been prepared. *Id.* Further, the agency shall charge the petitioner with reasonable cost of preparing the agency record. Ind. Code § 4-21.5-5-13(d).
3. Accordingly, the following procedures will be followed when an agency record is requested by a petitioner from the IBTR:
 - a. An instrument (check, money order, etc.) in the amount of \$50 will accompany any request for an agency record filed with the IBTR. The instrument will be made payable to the IBTR. This \$50 is a non-refundable administrative fee and will be deducted from the final payment made when the agency record is delivered to the Petitioner.
 - b. Upon completion of the agency record the Petitioner will be notified as to when the agency record may be picked up and the total balance due for its preparation (total cost minus the \$50 administrative fee). The balance due must be paid to the IBTR prior to the agency record being released to the Petitioner.
 - c. The cost of preparing the agency record will be charged to the petitioner as follows:
 - (1) Transcription of hearing tape(s) will be charged at \$3.80 per page.
 - (2) Duplicate tapes(s) will be charged at \$5.00 per tape.
 - (3) Copying charge will be \$.10 per image.
 - (4) Any other cost incurred in preparing the agency record.

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03-0350P (4/03): Tax administration - penalty	27 IR 1463	03-0443P (2002): Tax administration - penalty, interest	27 IR 4273
03-0359P (2000-02): Tax administration - negligence penalty and interest	27 IR 1692	03-0445P (2002): Tax administration - penalty	27 IR 3419
03-0371 (1998-2000): Services; tax administration - penalty	27 IR 2982	04-0022 (1999 and 12/01-12/02): Responsible officer liability	27 IR 2651
03-0376P (11/02): Tax administration - penalty	27 IR 1464	04-0030P (7/03): Tax administration - penalty	27 IR 2652
03-0380P (1998-2000): Ten percent negligence penalty	27 IR 1464	04-0051P (fiscal year ending 2/3/01): Tax administration - penalty, interest	27 IR 3421
03-0425 (2000-01): Responsible officer liability	27 IR 2645	04-0059P (7-8/03): Tax administration - penalty	27 IR 4275
03-0427P (2000-02): Tax administration - negligence penalty and interest	27 IR 1695	04-0073P (4/03): Tax administration - penalty	27 IR 3796
03-0441P (9/03): Tax administration - penalty	27 IR 2156	04-0088P (2000-02): Tax administration - negligence penalty	27 IR 3424
03-0444P (1-5/03): Tax administration - penalty	27 IR 2157	04-0160P (3/31/02, 6/30/02, 9/30/02, 12/31/02, 3/31/03, and 6/30/03): Tax administration - penalty, interest	27 IR 3799
03-0451 (2003): Application to tangible personal property purchased in Indiana for use outside the state; tax administration - ten percent negligence penalty	27 IR 2648	04-0162P (12/03): Tax administration - penalty, interest	27 IR 3801
03-0463P (2000-02): Tax administration - ten percent negligence penalty	27 IR 2157	04-0189P (12/03): Tax administration - penalty	28 IR 444
03-0476 (7/01-12/01): Responsible officer liability	27 IR 2650	Revenue Rulings:	
04-0010P (3/03): Tax administration - penalty	27 IR 2650	03-01 URT (11/24/03): Application of utility receipts tax to interstate and international land-line telecommunications services	27 IR 1698
04-0044P (1999-2001): Tax administration - ten percent negligence penalty	27 IR 2652	04-01 ST (6/28/04): Sales/use tax - Application of sales/use tax to purchase, storage, use and/or consumption of tangible personal property utilized in generating electric power - manufacturing exemption, pollution control exemption	27 IR 4278
04-0053P (1-8/03): Tax administration - penalty	27 IR 3422	TAX REVIEW, INDIANA BOARD OF	
04-0062P (2000-02): Tax administration - ten percent negligence penalty	27 IR 3001	2004-01: Lake County assessors participation in IBTR hearings governing statute: IC 6-1.1-4-34(j) (7/6/04)	27 IR 3774
04-0072 (2002-03): Responsible officer liability	27 IR 3422	2004-02: Preparation of agency record (8/18/04)	28 IR 447
04-0074P (4/03): Tax administration - penalty	27 IR 3797	<hr/>	
04-0112 (4/99-11/99): Responsible officer liability	27 IR 3798	For Cumulative Tables of Nonrule Policy Documents printed in the Indiana Register in previous years, consult the following table:	
04-0114P (12/02-1/03, 6/03, and 8/03): Tax administration - penalty, interest	27 IR 3426	1982	See 5 IR 2586 (December 1982)
		1983	See 7 IR 252 (December 1983)
		1984	See 8 IR 1220 (June 1985)
		1985	See 9 IR 932 (January 1986)
		1986	See 10 IR 173 (October 1986)
		1987	See 11 IR 2786 (April 1988)
		1988	See 12 IR 1023 (January 1989)

Cumulative Table of Nonrule Policy Documents

<u>Digest</u>	<u>Published</u>	<u>Digest</u>	<u>Published</u>
1989	See 13 IR 791	(January 1990)	
1990	See 14 IR 956	(January 1991)	
1991	See 15 IR 651	(January 1992)	
1992	See 16 IR 1311	(January 1993)	
1993	See 17 IR 897	(January 1994)	
1994	See 18 IR 1166	(January 1995)	
1995	See 19 IR 954	(January 1996)	
1996	See 20 IR 1040	(January 1997)	
1997	See 21 IR 1628	(January 1998)	
1998	See 22 IR 1324	(January 1999)	
1999	See 23 IR 1013	(January 2000)	
2000	See 24 IR 1241	(January 2001)	
2001	See 25 IR 1406	(January 2002)	
2002	See 26 IR 1423	(January 2003)	
2003	See 27 IR 1466	(January 2004)	

Cumulative Tables of Executive Orders and Attorney General's Opinions

EXECUTIVE ORDERS

<u>Number/Digest</u>	<u>Published</u>
03-47 Pardon: Stanley Isaacs	27 IR 1659
03-48 Pardon: Richard E. Rhymer	27 IR 1659
03-49 Pardon: Timothy McCarthy	27 IR 1660
03-50 Pardon: Cheryl Ann Wuensch	27 IR 1661
03-51 Pardon: Joseph Henry Hummer	27 IR 1662
03-52 Pardon: Thomas Elmer Ashley	27 IR 1662
03-53 Postponement of the date of expiration of rules until one year after date specified in IC 4-22-2.5	27 IR 1663
04-1 Approval and implementation of the settlement between the state of Indiana and Indiana Professional Law Enforcement, Local 1041, I.U.P.A./AFL-CIO	27 IR 2108
04-2 Creation of the State Child Protection Task Force	27 IR 2361
04-3 Pardon: Michael Johnson	27 IR 2362
04-4 Establishment of the Indiana Military Base Task Force	27 IR 2363
04-5 Pardon: Daniel H. Biggs	27 IR 2605
04-6 Pardon: Thomas E. Hammons	27 IR 2605
04-7 Pardon: Catherine Lawson	27 IR 2606
04-8 Gift-giving to executive branch employees	27 IR 2935
04-9 Office of chief investigator	27 IR 2936
04-10 Senior-level executive branch employees leaving state government	27 IR 2937
04-11 Registration of executive branch lobbyists	27 IR 2937
04-12 Ethics education requirements	27 IR 2938
04-13 The creation of the Indiana Commission for Early Learning & School Readiness	27 IR 3356
04-14 Pardon: Rosa Marie Bell Mollett	27 IR 3358
04-15 Pardon: Ivry J. Hobbs	27 IR 3359
04-16 Declaring a disaster emergency in the state of Indiana due to severe storms, tornadoes and flooding	27 IR 3772

1998	See 22 IR 1332	(January 1999)
1999	See 23 IR 1022	(January 2000)
2000	See 24 IR 1249	(January 2001)
2001	See 25 IR 1413	(January 2002)
2002	See 26 IR 1431	(January 2003)
2003	See 27 IR 1474	(January 2004)

PROCLAMATIONS

Promulgation of the Acts of the Second Regular Session of the One-Hundred Thirteenth General Assembly of the State of Indiana	27 IR 3772
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ATTORNEY GENERAL'S OPINIONS

<u>Number/Digest</u>	<u>Published</u>
04-1 Constitutionality of "special legislation"	27 IR 2940
04-2 Indiana education roundtable recommendations to the Indiana State Board of Education	27 IR 2943
04-3 Solemnization of marriages under Indiana law	27 IR 2945
04-4 Official duties	27 IR 2948
04-5 Contracts for banking services for state agencies	27 IR 2950

For Cumulative Tables of Executive Orders and Attorney General's Opinions printed in the Indiana Register in previous years, consult the following table:

1978	See 2 IR 181	(February 1979)
1979	See 3 IR 336	(March 1980)
1980	See 3 IR 2266	(December 1980)
1981	See 5 IR 179	(January 1982)
1982	See 5 IR 2588	(December 1982)
1983	See 7 IR 256	(December 1983)
1984	See 8 IR 249	(December 1984)
1985	See 9 IR 933	(January 1986)
1986	See 10 IR 175	(October 1986)
1987	See 11 IR 2790	(April 1988)
1988	See 12 IR 1025	(January 1989)
1989	See 13 IR 792	(January 1990)
1990	See 14 IR 957	(January 1991)
1991	See 15 IR 652	(January 1992)
1992	See 16 IR 1312	(January 1993)
1993	See 17 IR 898	(January 1994)
1994	See 18 IR 1167	(January 1995)
1995	See 19 IR 955	(January 1996)
1996	See 20 IR 1043	(January 1997)
1997	See 21 IR 1633	(January 1998)

Rules Affected by Volumes 27 and 28

TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE				65 IAC 4-317	R	04-249	*ER (28 IR 227)	
10 IAC 1.5	RA	03-102	26 IR 3425	27 IR 946	65 IAC 4-319	R	04-249	*ER (28 IR 227)
10 IAC 1.5-6	N	03-101	26 IR 3374	27 IR 450	65 IAC 4-321	R	04-249	*ER (28 IR 227)
10 IAC 3-1-1	A	03-167	26 IR 3909	27 IR 824	65 IAC 4-329	N	03-237	*ER (27 IR 192)
10 IAC 3-1-2	A	03-167	26 IR 3911	27 IR 825	65 IAC 4-330	N	03-246	*ER (27 IR 199)
TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL				65 IAC 4-331	N	03-247	*ER (27 IR 200)	
11 IAC 2-5-5	N	02-324	26 IR 1598	*AROC (26 IR 2134)	65 IAC 4-332	R	04-249	*ER (28 IR 227)
11 IAC 3	N	03-165	26 IR 3911	27 IR 826	65 IAC 4-333	N	03-292	*ER (27 IR 891)
TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION				65 IAC 4-335	N	03-310	*ER (27 IR 1190)	
25 IAC 6	N	04-172	27 IR 3595	*CPH (28 IR 234)	65 IAC 4-336	N	03-338	*ER (27 IR 1602)
TITLE 31 STATE PERSONNEL DEPARTMENT				65 IAC 4-337	N	04-28	*ER (27 IR 1900)	
31 IAC 1-9-4	A	04-170	27 IR 4049		65 IAC 4-338	N	04-26	*ER (27 IR 1896)
31 IAC 2-11-4	A	04-170	27 IR 4049		65 IAC 4-339	N	04-30	*ER (27 IR 1903)
TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND				65 IAC 4-340	N	04-31	*ER (27 IR 1905)	
35 IAC 8-1-1	A	04-18	27 IR 2305	27 IR 3868	65 IAC 4-341	N	04-32	*ER (27 IR 1907)
35 IAC 8-1-2	A	04-18	27 IR 2305	27 IR 3868	65 IAC 4-342	N	04-169	*ER (27 IR 3085)
35 IAC 8-2-1	A	04-18	27 IR 2306	27 IR 3869	65 IAC 4-343	N	04-93	*ER (27 IR 2511)
35 IAC 10	N	04-18	27 IR 2307	27 IR 3870		R	04-249	*ER (28 IR 227)
35 IAC 11	N	03-131	26 IR 3678	27 IR 1164		R	04-201	*ER (27 IR 4026)
35 IAC 12	N	04-18	27 IR 2308	27 IR 3871		N	04-130	*ER (27 IR 2748)
TITLE 45 DEPARTMENT OF STATE REVENUE				65 IAC 4-347	N	04-193	*ER (27 IR 3584)	
45 IAC 1.3	N	04-125	27 IR 3101		65 IAC 4-348	N	04-241	*ER (28 IR 221)
TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE				65 IAC 4-348	N	04-241	*ER (28 IR 221)	
50 IAC 18	N	03-235	27 IR 909	*AROC (27 IR 2079)	65 IAC 4-350	N	04-252	*ER (28 IR 229)
				27 IR 2710	65 IAC 4-354	R	04-249	*ER (28 IR 227)
50 IAC 19	N	02-342	26 IR 2397	*ARR (26 IR 3885)	65 IAC 4-359	R	04-249	*ER (28 IR 227)
				*AROC (27 IR 287)	65 IAC 4-367	R	04-249	*ER (28 IR 227)
				27 IR 450	65 IAC 4-383	R	04-249	*ER (28 IR 227)
50 IAC 20	N	03-6	27 IR 908	*CPH (27 IR 1613)	65 IAC 4-390	R	04-249	*ER (28 IR 227)
				*ARR (27 IR 2745)	65 IAC 4-401	R	04-249	*ER (28 IR 227)
				*AROC (27 IR 3707)	65 IAC 4-402	R	04-249	*ER (28 IR 227)
50 IAC 21	N	04-174	27 IR 3603		65 IAC 4-403	R	04-249	*ER (28 IR 227)
					65 IAC 4-404	R	04-249	*ER (28 IR 227)
					65 IAC 4-405	R	04-249	*ER (28 IR 227)
TITLE 52 INDIANA BOARD OF TAX REVIEW				65 IAC 4-406	R	04-249	*ER (28 IR 227)	
52 IAC 2	N	03-179	26 IR 3915	27 IR 1776	65 IAC 4-408	R	04-249	*ER (28 IR 227)
				*ERR (27 IR 2284)	65 IAC 4-437	R	04-249	*ER (28 IR 227)
52 IAC 3	N	03-179	26 IR 3926	27 IR 1787	65 IAC 4-439	R	04-249	*ER (28 IR 227)
				*ERR (27 IR 2284)	65 IAC 4-440	R	04-249	*ER (28 IR 227)
52 IAC 4	N	03-259	27 IR 555		65 IAC 4-441	R	04-249	*ER (28 IR 227)
TITLE 65 STATE LOTTERY COMMISSION				65 IAC 4-442	R	04-249	*ER (28 IR 227)	
65 IAC 1-4-1	A	04-206		*ER (27 IR 4034)	65 IAC 4-443	R	04-249	*ER (28 IR 227)
65 IAC 1-4-5	A	04-206		*ER (27 IR 4034)	65 IAC 4-445	R	04-249	*ER (28 IR 227)
65 IAC 1-4-5.5	N	04-206		*ER (27 IR 4035)	65 IAC 4-446	R	04-249	*ER (28 IR 227)
				*ER (28 IR 217)	65 IAC 4-447	R	04-249	*ER (28 IR 227)
65 IAC 4-1-6	A	04-34		*ER (27 IR 1909)	65 IAC 4-448	R	04-249	*ER (28 IR 227)
65 IAC 4-1-6.5	A	04-34		*ER (27 IR 1909)	65 IAC 4-450	R	04-249	*ER (28 IR 227)
65 IAC 4-1-7	A	04-34		*ER (27 IR 1909)	65 IAC 4-453	R	04-249	*ER (28 IR 227)
65 IAC 4-1-12.2	N	04-34		*ER (27 IR 1909)	65 IAC 5-1-2.2	N	04-34	*ER (27 IR 1909)
65 IAC 4-1-12.3	N	04-34		*ER (27 IR 1909)	65 IAC 5-1-2.4	N	04-34	*ER (27 IR 1910)
65 IAC 4-1-12.4	N	04-34		*ER (27 IR 1909)	65 IAC 5-1-2.6	N	04-34	*ER (27 IR 1910)
65 IAC 4-2-3	A	03-334		*ER (27 IR 1596)	65 IAC 5-1-6	A	04-34	*ER (27 IR 1910)
65 IAC 4-2-5	A	03-334		*ER (27 IR 1596)	65 IAC 5-1-7	A	04-34	*ER (27 IR 1910)
65 IAC 4-3-1	A	03-334		*ER (27 IR 1597)	65 IAC 5-1-8	A	04-34	*ER (27 IR 1910)
65 IAC 4-3-2	A	03-334		*ER (27 IR 1597)	65 IAC 5-1-11.2	N	04-34	*ER (27 IR 1910)
65 IAC 4-90	R	04-249		*ER (28 IR 227)	65 IAC 5-1-12	A	04-34	*ER (27 IR 1910)
65 IAC 4-99	R	04-249		*ER (28 IR 227)	65 IAC 5-5-1	A	03-314	*ER (27 IR 1587)
65 IAC 4-205	R	04-249		*ER (28 IR 227)	65 IAC 5-5-1.5	N	03-314	*ER (27 IR 1587)
65 IAC 4-248	R	04-249		*ER (28 IR 227)	65 IAC 5-5-2	A	03-314	*ER (27 IR 1587)
65 IAC 4-272	R	04-249		*ER (28 IR 227)	65 IAC 5-5-3	A	03-314	*ER (27 IR 1587)
65 IAC 4-287	R	04-249		*ER (28 IR 227)	65 IAC 5-5-4	A	03-314	*ER (27 IR 1588)
					65 IAC 5-5-5	A	03-314	*ER (27 IR 1588)
					65 IAC 5-5-5.5	A	03-314	*ER (27 IR 1588)
					65 IAC 5-5-6	A	03-314	*ER (27 IR 1589)
					65 IAC 5-6-1	A	03-314	*ER (27 IR 1589)
					65 IAC 5-6-1.5	N	03-314	*ER (27 IR 1589)
					65 IAC 5-6-2	A	03-314	*ER (27 IR 1590)
					65 IAC 5-6-3	A	03-314	*ER (27 IR 1591)
					65 IAC 5-6-4	A	03-314	*ER (27 IR 1591)
					65 IAC 5-6-5	A	03-314	*ER (27 IR 1591)
					65 IAC 5-6-6	A	03-314	*ER (27 IR 1593)

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65 IAC 5-9-1	A	03-314	*ER (27 IR 1593)	71 IAC 3-9-4	A	04-21	*ER (27 IR 1912)	
			*ERR (27 IR 1575)	71 IAC 3.5-2-9	A	04-117	*ER (27 IR 2754)	
65 IAC 5-9-1.5	N	03-314	*ER (27 IR 1594)	71 IAC 4-3-15	A	04-21	*ER (27 IR 1912)	
65 IAC 5-9-2	A	03-314	*ER (27 IR 1594)	71 IAC 5-1-2	A	04-21	*ER (27 IR 1912)	
65 IAC 5-9-3	A	03-314	*ER (27 IR 1594)	71 IAC 5-1-3	A	04-21	*ER (27 IR 1913)	
65 IAC 5-9-4	A	03-314	*ER (27 IR 1594)	71 IAC 5.5-1-2	A	04-21	*ER (27 IR 1913)	
65 IAC 5-9-9	A	03-314	*ER (27 IR 1595)	71 IAC 5.5-1-3	A	04-21	*ER (27 IR 1913)	
65 IAC 5-9-12	A	03-314	*ER (27 IR 1595)	71 IAC 5.5-3-3	A	04-21	*ER (27 IR 1914)	
65 IAC 5-13	R	04-249	*ER (28 IR 227)	71 IAC 5.5-4-2	A	04-21	*ER (27 IR 1915)	
65 IAC 5-14	R	04-249	*ER (28 IR 227)	71 IAC 6-1-3	A	04-21	*ER (27 IR 1915)	
65 IAC 5-15	R	04-249	*ER (28 IR 227)	71 IAC 6-3-1	A	04-21	*ER (27 IR 1917)	
TITLE 68 INDIANA GAMING COMMISSION				71 IAC 7-1-11	A	04-21	*ER (27 IR 1917)	
68 IAC 1-5-1	A	04-103	27 IR 3115	71 IAC 7-1-15	A	04-21	*ER (27 IR 1917)	
68 IAC 2-3-5	A	04-103	27 IR 3115	71 IAC 7-1-22	R	04-21	*ER (27 IR 1922)	
68 IAC 2-3-6	A	04-103	27 IR 3117	71 IAC 7-1-28	A	04-21	*ER (27 IR 1918)	
68 IAC 2-3-9	A	04-103	27 IR 3118	71 IAC 7-2-8	A	04-21	*ER (27 IR 1918)	
68 IAC 2-6-49	A	04-102	27 IR 3109	71 IAC 7-3-6	A	03-244	*ER (27 IR 205)	
68 IAC 2-7-12	A	04-102	27 IR 3109	71 IAC 7-3-11	A	04-21	*ER (27 IR 1918)	
68 IAC 4-1-1	RA	03-132	26 IR 3750	71 IAC 7-3-13	A	04-21	*ER (27 IR 1919)	
			*CPH (27 IR 208)	71 IAC 7.5-1-2	A	04-21	*ER (27 IR 1919)	
			27 IR 1295		A	04-222	*ER (27 IR 4037)	
68 IAC 4-1-2	RA	03-132	26 IR 3751	71 IAC 7.5-1-4	A	03-244	*ER (27 IR 205)	
			*CPH (27 IR 208)	71 IAC 7.5-1-15	N	04-21	*ER (27 IR 1919)	
			27 IR 1296	71 IAC 7.5-6-1	A	04-21	*ER (27 IR 1919)	
68 IAC 4-1-3	RA	03-132	26 IR 3751	71 IAC 7.5-6-3	A	03-244	*ER (27 IR 206)	
			*CPH (27 IR 208)	71 IAC 7.5-7-5	A	04-21	*ER (27 IR 1920)	
			27 IR 1296	71 IAC 8-6-2	A	04-21	*ER (27 IR 1920)	
68 IAC 4-1-4	RA	03-132	26 IR 3751	71 IAC 8-11-3	A	04-21	*ER (27 IR 1920)	
			*CPH (27 IR 208)	71 IAC 8-12	N	04-117	*ER (27 IR 2755)	
			27 IR 1297	71 IAC 8.5-5-2	A	04-21	*ER (27 IR 1921)	
68 IAC 4-1-5	RA	03-132	26 IR 3752	71 IAC 8.5-11-3	A	04-21	*ER (27 IR 1921)	
			*CPH (27 IR 208)	71 IAC 8.5-12	N	04-117	*ER (27 IR 2756)	
			27 IR 1297	71 IAC 12-2-15	A	03-293	*ER (27 IR 896)	
68 IAC 4-1-6	RA	03-132	26 IR 3752	71 IAC 13.5-3-1	A	04-21	*ER (27 IR 1921)	
			*CPH (27 IR 208)	71 IAC 13.5-3-2	A	04-21	*ER (27 IR 1922)	
			27 IR 1298	71 IAC 13.5-3-3	A	04-21	*ER (27 IR 1922)	
68 IAC 4-1-7	RA	03-132	26 IR 3752	71 IAC 13.5-3-4	A	04-21	*ER (27 IR 1922)	
			*CPH (27 IR 208)					
			27 IR 1299					
68 IAC 4-1-8	RA	03-132	26 IR 3753					
			*CPH (27 IR 208)					
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68 IAC 4-1-9	RA	03-132	26 IR 3753					
			*CPH (27 IR 208)					
			27 IR 1299					
68 IAC 4-1-10	RA	03-132	26 IR 3754					
			*CPH (27 IR 208)					
			27 IR 1299					
68 IAC 5-3-2	A	04-102	27 IR 3109	TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION				
68 IAC 5-3-7	A	04-102	27 IR 3109	105 IAC 9-1-1	A	03-17	26 IR 2400	27 IR 451
68 IAC 6-3	N	03-204	27 IR 212	105 IAC 9-1-2	A	03-17	26 IR 2400	27 IR 452
			27 IR 2440	105 IAC 9-2-1	A	02-231	26 IR 421	27 IR 7
			*ERR (27 IR 3580)	105 IAC 9-2-2	R	02-231		†† 27 IR 52
68 IAC 8-1-11	A	04-102	27 IR 3110	105 IAC 9-2-3	N	02-231		†† 27 IR 7
68 IAC 8-2-29	A	04-102	27 IR 3110	105 IAC 9-2-4	N	02-231		†† 27 IR 7
68 IAC 9-4-8	A	04-102	27 IR 3110	105 IAC 9-2-5	N	02-231		†† 27 IR 7
68 IAC 10-1-5	A	04-102	27 IR 3110	105 IAC 9-2-6	N	02-231		†† 27 IR 7
68 IAC 11-1-8	A	04-102	27 IR 3110	105 IAC 9-2-7	N	02-231		†† 27 IR 8
68 IAC 11-3-1	A	04-102	27 IR 3110	105 IAC 9-2-8	N	02-231		†† 27 IR 8
68 IAC 12-1-15	A	04-102	27 IR 3111	105 IAC 9-2-9	N	02-231		†† 27 IR 8
68 IAC 14-4-8	A	04-102	27 IR 3112	105 IAC 9-2-10	N	02-231		†† 27 IR 8
68 IAC 14-5-6	A	04-102	27 IR 3112	105 IAC 9-2-11	N	02-231		†† 27 IR 9
68 IAC 15-1-8	A	04-102	27 IR 3112	105 IAC 9-2-12	N	02-231		†† 27 IR 9
68 IAC 15-3-3	A	04-179	28 IR 237	105 IAC 9-2-13	N	02-231		†† 27 IR 9
68 IAC 15-5-2	A	04-179	28 IR 237	105 IAC 9-2-14	N	02-231		†† 27 IR 9
68 IAC 15-6-2	A	04-179	28 IR 238	105 IAC 9-2-15	N	02-231		†† 27 IR 10
68 IAC 15-6-3	A	04-179	28 IR 239	105 IAC 9-2-16	N	02-231		†† 27 IR 10
68 IAC 15-6-5	A	04-179	28 IR 240	105 IAC 9-2-17	N	02-231		†† 27 IR 10
68 IAC 15-9-4	A	04-102	27 IR 3112	105 IAC 9-2-18	N	02-231		†† 27 IR 10
68 IAC 15-10-4.1	A	04-102	27 IR 3113	105 IAC 9-2-19	N	02-231		†† 27 IR 10
68 IAC 15-13-2.5	N	04-102	27 IR 3113	105 IAC 9-2-20	N	02-231		†† 27 IR 11
68 IAC 16-1-16	A	04-102	27 IR 3113	105 IAC 9-2-21	N	02-231		†† 27 IR 11
68 IAC 17-1-5	A	04-102	27 IR 3114	105 IAC 9-2-22	N	02-231		†† 27 IR 11
68 IAC 17-2-6	A	04-102	27 IR 3114	105 IAC 9-2-23	N	02-231		†† 27 IR 11
68 IAC 18-1-2	A	04-102	27 IR 3114	105 IAC 9-2-24	N	02-231		†† 27 IR 12
68 IAC 18-1-6	A	04-102	27 IR 3114	105 IAC 9-2-25	N	02-231		†† 27 IR 12
TITLE 71 INDIANA HORSE RACING COMMISSION				105 IAC 9-2-26	N	02-231		†† 27 IR 12
71 IAC 1-1-1	A	04-117	*ER (27 IR 2753)	105 IAC 9-2-27	N	02-231		†† 27 IR 12
71 IAC 1.5-1-19	A	04-21	*ER (27 IR 1911)	105 IAC 9-2-28	N	02-231		†† 27 IR 12
71 IAC 3-2-9	A	04-21	*ER (27 IR 1911)					
	A	04-117	*ER (27 IR 2754)					

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105 IAC 9-2-167	N	02-231	††27 IR 47	170 IAC 5-1-16.5	R	04-144	27 IR 4095	
105 IAC 9-2-168	N	02-231	††27 IR 47	170 IAC 5-1-16.6	R	04-144	27 IR 4095	
105 IAC 9-2-169	N	02-231	††27 IR 47	170 IAC 5-1-17	R	04-144	27 IR 4095	
105 IAC 9-2-170	N	02-231	††27 IR 48	170 IAC 5-1.2	N	04-144	27 IR 4065	
105 IAC 9-2-171	N	02-231	††27 IR 48	170 IAC 6-1-15	R	04-144	27 IR 4095	
105 IAC 9-2-172	N	02-231	††27 IR 48	170 IAC 6-1-16	R	04-144	27 IR 4095	
105 IAC 9-2-173	N	02-231	††27 IR 49	170 IAC 6-1-17	R	04-144	27 IR 4095	
105 IAC 9-2-174	N	02-231	††27 IR 49	170 IAC 6-1.2	N	04-144	27 IR 4073	
105 IAC 9-2-175	N	02-231	††27 IR 49	170 IAC 7-1.1-19	A	03-193	27 IR 2309	27 IR 3872
105 IAC 9-2-176	N	02-231	††27 IR 49	170 IAC 7-1.2-10	A	03-194	27 IR 558	27 IR 2712
105 IAC 9-2-177	N	02-231	††27 IR 49	170 IAC 7-1.3-2	A	04-144	27 IR 4080	
105 IAC 9-2-178	N	02-231	††27 IR 50	170 IAC 7-1.3-3	A	04-144	27 IR 4081	
105 IAC 9-2-179	N	02-231	††27 IR 50	170 IAC 7-1.3-8	A	04-144	27 IR 4083	
105 IAC 9-2-180	N	02-231	††27 IR 50	170 IAC 7-1.3-9	A	04-144	27 IR 4084	
105 IAC 9-2-181	N	02-231	††27 IR 50	170 IAC 7-1.3-10	A	04-144	27 IR 4085	
105 IAC 9-2-182	N	02-231	††27 IR 51	170 IAC 8.5-2-1	A	04-144	27 IR 4086	
105 IAC 9-2-183	N	02-231	††27 IR 51	170 IAC 8.5-2-3	A	04-144	27 IR 4087	
105 IAC 9-2-184	N	02-231	††27 IR 51	170 IAC 8.5-2-4	A	04-144	27 IR 4089	
105 IAC 9-2-185	N	02-231	††27 IR 51	170 IAC 8.5-2-5	A	04-144	27 IR 4092	
105 IAC 9-2-186	N	02-231	††27 IR 51					
105 IAC 9-2-187	N	02-231	††27 IR 51					
105 IAC 9-2-188	N	02-231	††27 IR 52	TITLE 203 VICTIM SERVICES DIVISION				
105 IAC 9-2-189	N	02-231	††27 IR 52	203 IAC	N	04-63	27 IR 2526	28 IR 6
105 IAC 9-2-190	N	02-231	††27 IR 52					
105 IAC 12-1-2	A	03-58	26 IR 3077 *AWR (27 IR 2286)	TITLE 240 STATE POLICE DEPARTMENT				
105 IAC 12-1-5	A	03-58	26 IR 3077 *AWR (27 IR 2286)	240 IAC 1-4-3	RA	03-98	26 IR 3425	
105 IAC 12-1-14.5	N	03-58	26 IR 3077 *AWR (27 IR 2286)	240 IAC 1-4-24.1	RA	03-98	26 IR 3425	27 IR 286
105 IAC 12-1-14.6	N	03-58	26 IR 3077 *AWR (27 IR 2286)	240 IAC 8	RA	04-164	27 IR 4140	
105 IAC 12-1-18	A	03-58	26 IR 3077 *AWR (27 IR 2286)					
105 IAC 12-1-22	A	03-58	26 IR 3077 *AWR (27 IR 2286)	TITLE 250 LAW ENFORCEMENT TRAINING BOARD				
105 IAC 12-1-23	A	03-58	26 IR 3078 *AWR (27 IR 2286)	250 IAC 2	N	02-339	26 IR 3679	27 IR 1552
105 IAC 12-2-4	A	03-58	26 IR 3078 *AWR (27 IR 2286)					
105 IAC 12-2-6	A	03-58	26 IR 3078 *AWR (27 IR 2286)	TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS				
105 IAC 12-2-7	A	03-58	26 IR 3078 *AWR (27 IR 2286)	305 IAC 1-2-6	A	02-328	26 IR 1598	*DAG (27 IR 947)
105 IAC 12-2-10	A	03-58	26 IR 3078 *AWR (27 IR 2286)		A	03-212	27 IR 216	*ARR (28 IR 215)
105 IAC 12-2-11	A	03-58	26 IR 3078 *AWR (27 IR 2286)					28 IR 12
105 IAC 12-2-13	A	03-58	26 IR 3079 *AWR (27 IR 2286)	305 IAC 1-3-4	A	02-328	26 IR 1599	*DAG (27 IR 947)
105 IAC 12-2-14	A	03-58	26 IR 3079 *AWR (27 IR 2286)		A	03-212	27 IR 216	*ARR (28 IR 215)
105 IAC 12-2-16	A	03-58	26 IR 3079 *AWR (27 IR 2286)					28 IR 12
105 IAC 12-2-17	A	03-58	26 IR 3080 *AWR (27 IR 2286)	305 IAC 1-4-1	A	02-328	26 IR 1599	*DAG (27 IR 947)
105 IAC 12-2-18	N	03-58	26 IR 3080 *AWR (27 IR 2286)		A	03-212	27 IR 217	*ARR (28 IR 215)
105 IAC 12-2-19	N	03-58	26 IR 3080 *AWR (27 IR 2286)					28 IR 12
105 IAC 12-2-20	N	03-58	26 IR 3080 *AWR (27 IR 2286)	305 IAC 1-4-2	A	02-328	26 IR 1599	*DAG (27 IR 947)
105 IAC 12-2-21	N	03-58	26 IR 3081 *AWR (27 IR 2286)		A	03-212	27 IR 217	*ARR (28 IR 215)
105 IAC 12-3-1	A	03-58	26 IR 3082 *AWR (27 IR 2286)					28 IR 13
105 IAC 12-3-2	A	03-58	26 IR 3082 *AWR (27 IR 2286)	305 IAC 1-5	N	02-328	26 IR 1600	*DAG (27 IR 947)
105 IAC 12-3-4	A	03-58	26 IR 3082 *AWR (27 IR 2286)		N	03-212	27 IR 217	*ARR (28 IR 215)
105 IAC 12-3-5	A	03-58	26 IR 3083 *AWR (27 IR 2286)					28 IR 13
105 IAC 12-4-3	A	03-58	26 IR 3084 *AWR (27 IR 2286)					
105 IAC 12-4-4	A	03-58	26 IR 3084 *AWR (27 IR 2286)	TITLE 307 INDIANA BOARD OF REGISTRATION FOR SOIL SCIENTISTS				
105 IAC 12-4-5	A	03-58	26 IR 3084 *AWR (27 IR 2286)	307 IAC	N	03-32	26 IR 2652	*GRAT (27 IR 291)
								27 IR 53
								*ERR (27 IR 538)
TITLE 140 BUREAU OF MOTOR VEHICLES								
140 IAC 4-4	RA	04-162	28 IR 323					
140 IAC 8-4	RA	04-162	28 IR 323					
TITLE 170 INDIANA UTILITY REGULATORY COMMISSION								
170 IAC 1-4	RA	04-163	27 IR 4140	TITLE 312 NATURAL RESOURCES COMMISSION				
170 IAC 1-5	RA	04-163	27 IR 4140	312 IAC 1-1-19.5	N	03-296	27 IR 1617	27 IR 3065
170 IAC 4-1-15	R	04-144	27 IR 4095	312 IAC 1-1-27.5	N	03-296	27 IR 1617	27 IR 3065
170 IAC 4-1-16	R	04-144	27 IR 4095	312 IAC 1-1-29.3	N	03-296	27 IR 1617	27 IR 3065
170 IAC 4-1-16.5	R	04-144	27 IR 4095	312 IAC 2-2-1	A	03-220	27 IR 1205	27 IR 3064
170 IAC 4-1-16.6	R	04-144	27 IR 4095	312 IAC 2-2-4	A	03-220	27 IR 1205	27 IR 3064
170 IAC 4-1-17	R	04-144	27 IR 4095	312 IAC 2-3-1	A	03-220	27 IR 1205	27 IR 3064
170 IAC 4-1-23	A	04-68	27 IR 2765	312 IAC 2-4-12	A	04-67	27 IR 3604	
170 IAC 4-1.2	N	04-144	27 IR 4057	312 IAC 5-6-5	A	03-92	27 IR 220	*AWR (27 IR 2501)
170 IAC 4-4.2	N	03-305	27 IR 2312		A	04-84	28 IR 240	
170 IAC 5-1-15	R	04-144	27 IR 4095	312 IAC 5-6-6	A	03-29	26 IR 2660	27 IR 59
170 IAC 5-1-16	R	04-144	27 IR 4095					*ERR (27 IR 2742)
								*ERR (27 IR 3078)
								27 IR 3885
				312 IAC 5-12.5	N	03-316	27 IR 2315	
				312 IAC 5-14-1	A	04-155	27 IR 4100	

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312 IAC 5-14-2	A	04-155	27 IR 4100		312 IAC 9-11-1	A	03-311	27 IR 1964	
312 IAC 5-14-4	A	04-155	27 IR 4101		312 IAC 9-11-2	A	03-311	27 IR 1965	
312 IAC 5-14-5	R	04-155	27 IR 4109		312 IAC 9-11-14	A	03-311	27 IR 1965	
312 IAC 5-14-5.1	N	04-155	27 IR 4101		312 IAC 10-2-33.5	N	03-296	27 IR 1617	27 IR 3065
312 IAC 5-14-6	R	04-155	27 IR 4109		312 IAC 10-5-0.3	N	03-215	27 IR 1940	27 IR 3875
312 IAC 5-14-6.1	N	04-155	27 IR 4102		312 IAC 10-5-0.6	N	03-215	27 IR 1940	27 IR 3875
312 IAC 5-14-7	A	04-155	27 IR 4102		312 IAC 10-5-3	A	03-215	27 IR 1941	27 IR 3876
312 IAC 5-14-8	A	04-155	27 IR 4102		312 IAC 10-5-4	A	03-215	27 IR 1941	27 IR 3876
312 IAC 5-14-9	A	04-155	27 IR 4103		312 IAC 10-5-5	A	03-215	27 IR 1942	27 IR 3878
312 IAC 5-14-11	A	04-155	27 IR 4103		312 IAC 10-5-6	A	03-215	27 IR 1943	27 IR 3878
312 IAC 5-14-15	A	04-155	27 IR 4103		312 IAC 10-5-7	A	03-215	27 IR 1944	27 IR 3880
312 IAC 5-14-16	A	04-155	27 IR 4104		312 IAC 10-5-8	A	03-215	27 IR 1945	27 IR 3880
312 IAC 5-14-17	A	04-155	27 IR 4104		312 IAC 11-2-11.5	N	04-94	27 IR 4095	
312 IAC 5-14-18	A	04-155	27 IR 4105		312 IAC 11-3-1	A	03-203	27 IR 1201	27 IR 3062
312 IAC 5-14-19	A	04-155	27 IR 4105			A	04-94	27 IR 4095	
312 IAC 5-14-20	A	04-155	27 IR 4106		312 IAC 11-4-1	A	04-4	27 IR 2316	27 IR 3886
312 IAC 5-14-21	A	04-155	27 IR 4106		312 IAC 11-4-3	A	03-203	27 IR 1202	27 IR 3063
312 IAC 5-14-22	A	04-155	27 IR 4106		312 IAC 11-5-1	A	03-30	26 IR 2661	27 IR 61
312 IAC 5-14-24	A	04-155	27 IR 4107		312 IAC 11-5-2	A	03-296	27 IR 1617	27 IR 3065
312 IAC 5-14-25	A	04-155	27 IR 4108		312 IAC 14	RA	02-331	26 IR 2133	27 IR 286
312 IAC 5-14-26	R	04-155	27 IR 4109		312 IAC 15	RA	02-331	26 IR 2133	27 IR 286
312 IAC 5-14-27	N	04-155	27 IR 4109		312 IAC 16	RA	03-315	27 IR 2339	
312 IAC 6	RA	02-331	26 IR 2133	27 IR 286	312 IAC 16-1-9.5	N	03-251	27 IR 1206	27 IR 3881
312 IAC 6-4-3	A	04-4	27 IR 2316	27 IR 3885	312 IAC 16-1-39.5	N	03-251	27 IR 1206	27 IR 3881
312 IAC 6.2	N	04-66	27 IR 3119		312 IAC 16-1-44.6	N	03-251	27 IR 1206	27 IR 3881
312 IAC 6.5	N	04-3	27 IR 2767	28 IR 15	312 IAC 16-3-2	A	04-121	27 IR 4097	
312 IAC 7	RA	02-331	26 IR 2133	27 IR 286	312 IAC 16-3-8	A	04-121	27 IR 4099	
312 IAC 8	RA	03-315	27 IR 2339		312 IAC 16-5-14	A	04-23	27 IR 2532	
312 IAC 8-1-2	A	03-50	26 IR 3085	27 IR 455	312 IAC 16-5-15	A	03-251	27 IR 1206	27 IR 3881
312 IAC 8-1-4	A	03-50	26 IR 3085	27 IR 455	312 IAC 16-5-19	A	03-251	27 IR 1207	27 IR 3882
312 IAC 8-2-3	A	03-50	26 IR 3086	27 IR 456	312 IAC 17	RA	03-315	27 IR 2339	
312 IAC 8-2-6	A	03-50	26 IR 3088	27 IR 457	312 IAC 17-3-1	A	04-23	27 IR 2532	
312 IAC 8-2-9	A	03-50	26 IR 3088	27 IR 458	312 IAC 17-3-2	A	04-23	27 IR 2532	
312 IAC 8-2-11	A	03-50	26 IR 3088	27 IR 458	312 IAC 17-3-3	A	04-23	27 IR 2532	
312 IAC 8-2-13	A	04-4	27 IR 2316	27 IR 3886	312 IAC 17-3-4	A	04-23	27 IR 2533	
312 IAC 9	RA	02-331	26 IR 2133	27 IR 286	312 IAC 17-3-6	A	04-23	27 IR 2534	
312 IAC 9-1-9.5	N	03-311	27 IR 1946		312 IAC 17-3-8	A	04-23	27 IR 2534	
312 IAC 9-1-11.5	N	03-311	27 IR 1946		312 IAC 17-3-9	A	04-23	27 IR 2534	
312 IAC 9-2-11	A	03-50	26 IR 3089	27 IR 459	312 IAC 18-3-12	A	03-214	27 IR 1203	*ARR (27 IR 2745)
312 IAC 9-3-2	A	03-311	27 IR 1946		312 IAC 18-3-15	N	03-213	27 IR 559	27 IR 2470
312 IAC 9-3-3	A	03-311	27 IR 1947		312 IAC 18-3-16	N	03-213	27 IR 560	27 IR 2471
312 IAC 9-3-4	A	03-311	27 IR 1948		312 IAC 18-3-17	N	03-213	27 IR 560	27 IR 2472
312 IAC 9-3-10	A	03-311	27 IR 1949		312 IAC 18-5-2	A	03-213	27 IR 561	27 IR 2472
312 IAC 9-3-11	A	03-311	27 IR 1949		312 IAC 18-5-4	A	03-91	26 IR 3375	27 IR 1166
312 IAC 9-3-12	A	03-311	27 IR 1949		312 IAC 19	RA	03-315	27 IR 2339	
312 IAC 9-3-13	A	03-311	27 IR 1950		312 IAC 19-1-3	A	03-296	27 IR 1617	27 IR 3065
312 IAC 9-3-14	A	03-311	27 IR 1950		312 IAC 20-2-1.7	N	03-12	26 IR 3084	27 IR 454
312 IAC 9-3-15	A	03-311	27 IR 1950		312 IAC 20-2-4.3	N	03-12	26 IR 3084	27 IR 454
312 IAC 9-3-17	A	03-311	27 IR 1950		312 IAC 20-2-4.7	N	03-12	26 IR 3085	27 IR 454
312 IAC 9-4-7	R	03-311	27 IR 1966		312 IAC 20-3-3	N	03-12	26 IR 3085	27 IR 454
312 IAC 9-4-10	A	03-311	27 IR 1951		312 IAC 20-5	N	02-329	26 IR 2658	27 IR 452
312 IAC 9-4-11	A	03-311	27 IR 1951		312 IAC 24	RA	02-331	26 IR 2133	27 IR 286
312 IAC 9-4-14	A	03-311	27 IR 1952		312 IAC 25-1-8	A	03-93	27 IR 221	27 IR 2444
312 IAC 9-5-4	A	03-311	27 IR 1953		312 IAC 25-1-75.5	N	03-93	27 IR 222	27 IR 2445
312 IAC 9-5-6	A	03-311	27 IR 1953		312 IAC 25-1-155.5	N	03-93	27 IR 222	27 IR 2445
312 IAC 9-5-7	A	03-311	27 IR 1953		312 IAC 25-4-17	A	03-93	27 IR 222	27 IR 2445
312 IAC 9-5-9	A	03-311	27 IR 1955		312 IAC 25-4-44		00-285		*ERR (27 IR 1890)
312 IAC 9-5-11	N	03-311	27 IR 1956		312 IAC 25-4-45	A	03-93	27 IR 223	27 IR 2446
312 IAC 9-6-9	A	03-311	27 IR 1957				00-285		*ERR (27 IR 1890)
312 IAC 9-7-2	A	03-311	27 IR 1957		312 IAC 25-4-49	A	03-93	27 IR 224	27 IR 2447
312 IAC 9-7-6	A	03-311	27 IR 1959		312 IAC 25-4-87	A	03-93	27 IR 225	27 IR 2448
312 IAC 9-7-13	A	03-311	27 IR 1960		312 IAC 25-4-102	A	03-93	27 IR 226	27 IR 2449
312 IAC 9-10-3	A	03-35	26 IR 3374	27 IR 1165					*ERR (28 IR 214)
312 IAC 9-10-4	A	03-149	27 IR 246	27 IR 1789	312 IAC 25-4-105.5	N	03-93	27 IR 227	27 IR 2451
312 IAC 9-10-9	A	03-311	27 IR 1960		312 IAC 25-4-113	A	03-93	27 IR 228	27 IR 2451
312 IAC 9-10-9.5	N	03-311	27 IR 1961		312 IAC 25-4-114	A	03-93	27 IR 228	27 IR 2452
312 IAC 9-10-10	A	03-311	27 IR 1962						*ERR (28 IR 214)
312 IAC 9-10-13.5	N	03-311	27 IR 1963		312 IAC 25-4-115	A	03-93	27 IR 229	27 IR 2453
312 IAC 9-10-17	A	03-311	27 IR 1964		312 IAC 25-4-118	A	03-93	27 IR 230	27 IR 2454

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312 IAC 25-5-7	A	03-93	27 IR 231	27 IR 2455	326 IAC 2-3-2	A	03-67	27 IR 2023	27 IR 3929
312 IAC 25-5-16	A	03-93	27 IR 232	27 IR 2455	326 IAC 2-3-3	A	03-67	27 IR 2025	27 IR 3931
				*ERR (28 IR 214)	326 IAC 2-3.2	N	03-67	27 IR 2027	27 IR 3933
312 IAC 25-6-17	A	03-93	27 IR 233	27 IR 2457	326 IAC 2-3.3	N	03-67	27 IR 2032	27 IR 3938
312 IAC 25-6-20	A	03-93	27 IR 235	27 IR 2458	326 IAC 2-3.4	N	03-67	27 IR 2033	27 IR 3939
				*ERR (28 IR 214)	326 IAC 2-5.1-1	RA	04-44	27 IR 3144	
312 IAC 25-6-23	A	03-93	27 IR 237	27 IR 2461	326 IAC 2-5.1-2	RA	04-44	27 IR 3145	
312 IAC 25-6-25	A	03-93	27 IR 238	27 IR 2462	326 IAC 2-5.1-4	A	03-67	27 IR 2041	27 IR 3947
312 IAC 25-6-31	A	03-169	27 IR 248	27 IR 2713	326 IAC 2-5.5-1	RA	04-44	27 IR 3146	
312 IAC 25-6-66	A	03-93	27 IR 238	27 IR 2462	326 IAC 2-5.5-2	RA	04-44	27 IR 3146	
312 IAC 25-6-81	A	03-93	27 IR 239	27 IR 2463	326 IAC 2-5.5-3	RA	04-44	27 IR 3146	
312 IAC 25-6-84	A	03-93	27 IR 241	27 IR 2465	326 IAC 2-5.5-4	RA	04-44	27 IR 3147	
312 IAC 25-6-130	A	03-93	27 IR 243	27 IR 2467	326 IAC 2-5.5-5	RA	04-44	27 IR 3147	
312 IAC 25-7-1	A	03-93	27 IR 244	27 IR 2468	326 IAC 2-5.5-6	RA	04-44	27 IR 3147	
				*ERR (28 IR 214)	326 IAC 2-6-1	A	01-249	24 IR 3700	*CPH (24 IR 4012)
312 IAC 25-7-20	A	03-93	27 IR 246	27 IR 2470					*CPH (27 IR 551)
312 IAC 25-9-5	A	03-169	27 IR 249	27 IR 2714					27 IR 2210
312 IAC 25-9-8	A	03-169	27 IR 249	27 IR 2714	326 IAC 2-6-2	A	01-249	24 IR 3700	*CPH (24 IR 4012)
312 IAC 26	RA	03-315	27 IR 2339						*CPH (27 IR 551)
TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION									
315 IAC 1	RA	04-71	27 IR 2879	28 IR 323	326 IAC 2-6-3	A	01-249	24 IR 3702	*CPH (24 IR 4012)
TITLE 326 AIR POLLUTION CONTROL BOARD									
326 IAC 1-1-3	A	02-337	26 IR 1997	*ARR (27 IR 2500)	326 IAC 2-6-4	A	01-249	24 IR 3703	*CPH (24 IR 4012)
				*CPH (27 IR 2521)					*CPH (27 IR 551)
				28 IR 17					27 IR 2212
326 IAC 1-1-3.5	A	02-337	26 IR 1997	*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)	326 IAC 2-6-5	N	01-249	24 IR 3705	*CPH (24 IR 4012)
				28 IR 18					*CPH (27 IR 551)
326 IAC 1-1-6	N	04-180	28 IR 248						27 IR 2215
326 IAC 1-2-52	A	03-228	27 IR 3120		326 IAC 2-6.1-1	RA	04-44	27 IR 3149	
326 IAC 1-2-52.2	N	03-228	27 IR 3121		326 IAC 2-6.1-2	RA	04-44	27 IR 3149	
326 IAC 1-2-52.4	N	03-228	27 IR 3121		326 IAC 2-6.1-3	RA	04-44	27 IR 3149	
326 IAC 1-2-65	A	02-337	26 IR 1997	*ARR (27 IR 2500)	326 IAC 2-6.1-4	RA	04-44	27 IR 3150	
				*CPH (27 IR 2521)	326 IAC 2-6.1-5	RA	04-44	27 IR 3150	
				28 IR 18	326 IAC 2-6.1-6	RA	04-44	27 IR 3151	
326 IAC 1-2-82.5	N	03-228	27 IR 3121		326 IAC 2-6.1-7	RA	04-44	27 IR 3154	
326 IAC 1-2-90	A	02-337	26 IR 1998	*ARR (27 IR 2500)	326 IAC 2-7-3	A	02-337	26 IR 2006	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 18					28 IR 20
326 IAC 1-3-4	A	03-69	26 IR 3376	27 IR 2224	326 IAC 2-7-8	A	02-337	26 IR 2006	*ARR (27 IR 2500)
	A	03-228	27 IR 3121						*CPH (27 IR 2521)
326 IAC 1-4-1	A	03-70	26 IR 3092	27 IR 1167					28 IR 20
	A	04-148	27 IR 3606						27 IR 3947
326 IAC 2-1.1-7	A	03-67	27 IR 1981	27 IR 3887	326 IAC 2-7-10.5	A	03-67	27 IR 2041	27 IR 3951
326 IAC 2-2-1	A	03-68	27 IR 250	27 IR 2216	326 IAC 2-7-11	A	03-67	27 IR 2045	27 IR 3952
	A	03-67	27 IR 1983	27 IR 3889	326 IAC 2-7-12	A	03-67	27 IR 2046	*ARR (27 IR 2500)
326 IAC 2-2-2	A	03-67	27 IR 1993	27 IR 3899	326 IAC 2-7-18	A	02-337	26 IR 2007	*CPH (27 IR 2521)
326 IAC 2-2-3	A	03-67	27 IR 1995	27 IR 3901					28 IR 21
326 IAC 2-2-4	A	03-67	27 IR 1995	27 IR 3901	326 IAC 2-8-3	A	02-337	26 IR 2008	*ARR (27 IR 2500)
326 IAC 2-2-5	A	03-67	27 IR 1996	27 IR 3902					*CPH (27 IR 2521)
326 IAC 2-2-6	A	03-68	27 IR 256	27 IR 2222					28 IR 22
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326 IAC 2-2-7	A	03-67	27 IR 1998	27 IR 3904	326 IAC 2-9-2.5	RA	04-44	27 IR 3156	
326 IAC 2-2-8	A	03-67	27 IR 1998	27 IR 3904	326 IAC 2-9-3	RA	04-44	27 IR 3156	
326 IAC 2-2-10	A	03-67	27 IR 1999	27 IR 3905	326 IAC 2-9-4	RA	04-44	27 IR 3157	
326 IAC 2-2-12	A	03-68	27 IR 257	27 IR 2223	326 IAC 2-9-5	RA	04-44	27 IR 3158	
326 IAC 2-2-13	A	02-337	26 IR 1998	*ARR (27 IR 2500)	326 IAC 2-9-6	RA	04-44	27 IR 3159	
				*CPH (27 IR 2521)	326 IAC 2-9-7	A	02-337	26 IR 2009	*ARR (27 IR 2500)
				28 IR 19					*CPH (27 IR 2521)
326 IAC 2-2-16	A	02-337	26 IR 1999	*ARR (27 IR 2500)					28 IR 23
				*CPH (27 IR 2521)					
				28 IR 20					
326 IAC 2-2.2	N	03-67	27 IR 2000	27 IR 3906	326 IAC 2-9-8	RA	04-44	27 IR 3159	*ARR (27 IR 2500)
326 IAC 2-2.3	N	03-67	27 IR 2004	27 IR 3910		A	02-337	26 IR 2010	*CPH (27 IR 2521)
326 IAC 2-2.4	N	03-67	27 IR 2005	27 IR 3911					28 IR 25
326 IAC 2-2.5	R	03-67	27 IR 2048	27 IR 3954					
326 IAC 2-2.6	N	03-67	27 IR 2013	27 IR 3919	326 IAC 2-9-9	RA	04-44	27 IR 3160	*ARR (27 IR 2500)
326 IAC 2-3-1	A	02-337	26 IR 2000	*ARR (27 IR 2500)		A	02-337	26 IR 2012	*CPH (27 IR 2521)
				*CPH (27 IR 2521)					28 IR 26
	A	03-67	27 IR 2014	27 IR 3920		RA	04-44	27 IR 3162	

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326 IAC 2-9-10	A	02-337	26 IR 2013	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 27	326 IAC 7-2-1	A	02-337	26 IR 2028	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 42
	RA	04-44	27 IR 3163		326 IAC 7-4-3	A	03-195	27 IR 2319	28 IR 117
326 IAC 2-9-11	RA	04-44	27 IR 3164		326 IAC 7-4-10	A	02-337	26 IR 2029	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 43
326 IAC 2-9-12	RA	04-44	27 IR 3165						
326 IAC 2-9-13	A	02-337	26 IR 2014	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 28	326 IAC 7-4-13	A	03-282	27 IR 2768	*CPH (27 IR 3591)
	RA	04-44	27 IR 3165		326 IAC 8-1-4	A	02-337	26 IR 2030	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 44
326 IAC 2-9-14	RA	04-44	27 IR 3167						
326 IAC 2-10-1	RA	03-332	27 IR 2324	27 IR 3954	326 IAC 8-4-6	A	02-337	26 IR 2032	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 47
326 IAC 2-10-2.1	N	03-332	27 IR 2325	27 IR 3954					
326 IAC 2-10-3.1	N	03-332	27 IR 2325	27 IR 3954	326 IAC 8-4-9	A	02-337	26 IR 2035	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 49
326 IAC 2-10-4.1	N	03-332	27 IR 2325	27 IR 3955					
326 IAC 2-10-5.1	N	03-332	27 IR 2325	27 IR 3955	326 IAC 8-7-7	A	02-337	26 IR 2036	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 51
326 IAC 2-10-6.1	N	03-332	27 IR 2325	27 IR 3955					
326 IAC 2-11-1	RA	03-333	27 IR 2326	27 IR 3955	326 IAC 8-9-2	A	02-337	26 IR 2037	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 51
326 IAC 2-11-2	A	03-333	27 IR 2327	27 IR 3956					
326 IAC 2-11-3	RA	03-333	27 IR 2327	27 IR 3957	326 IAC 8-9-3	A	02-337	26 IR 2037	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 51
326 IAC 2-11-4	RA	03-333	27 IR 2328	27 IR 3957					
326 IAC 3-4-1	A	02-337	26 IR 2016	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 30	326 IAC 8-9-4	A	02-337	26 IR 2038	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 51
326 IAC 3-4-3	A	02-337	26 IR 2016	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 31	326 IAC 8-9-5	A	02-337	26 IR 2040	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 52
326 IAC 3-5-2	A	02-337	26 IR 2017	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 32	326 IAC 8-9-6	A	02-337	26 IR 2042	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 56
326 IAC 3-5-3	A	02-337	26 IR 2019	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 33	326 IAC 8-10-7	A	02-337	26 IR 2044	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 58
326 IAC 3-5-4	A	02-337	26 IR 2019	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 34	326 IAC 8-11-2	A	02-337	26 IR 2044	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 59
326 IAC 3-5-5	A	02-337	26 IR 2020	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 34	326 IAC 8-11-6	A	02-337	26 IR 2046	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 61
326 IAC 3-6-1	A	02-337	26 IR 2022	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 36	326 IAC 8-11-7	A	02-337	26 IR 2050	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 64
326 IAC 3-6-3	A	02-337	26 IR 2022	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 37	326 IAC 8-12-3	A	02-337	26 IR 2050	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 65
326 IAC 3-6-5	A	02-337	26 IR 2023	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 37	326 IAC 8-12-5	A	02-337	26 IR 2052	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 67
326 IAC 3-7-2	A	02-337	26 IR 2024	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 38	326 IAC 8-12-6	A	02-337	26 IR 2053	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 68
326 IAC 3-7-4	A	02-337	26 IR 2025	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 40	326 IAC 8-12-7	A	02-337	26 IR 2054	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 68
326 IAC 5-1-2	A	02-337	26 IR 2026	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 40	326 IAC 8-13-5	A	02-337	26 IR 2055	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 69
326 IAC 5-1-4	A	02-337	26 IR 2026	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 41	326 IAC 10-1-2	A	02-337	26 IR 2056	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 70
326 IAC 5-1-5	A	02-337	26 IR 2027	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 41	326 IAC 10-1-4	A	02-337	26 IR 2057	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 71
326 IAC 6-1-10.1	A	01-407	26 IR 1970	*CPH (26 IR 2391) 27 IR 61	326 IAC 10-1-5	A	02-337	26 IR 2059	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 73
326 IAC 6-1-10.2	A	01-407	26 IR 1994	*CPH (26 IR 2391) 27 IR 85					
326 IAC 6-1-12	A	04-43	28 IR 242						
326 IAC 6-1-13	A	03-195	27 IR 2318	28 IR 115					

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326 IAC 11-3-4	A	02-337	26 IR 2060	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 74	326 IAC 14-10-2	A	02-337	26 IR 2074	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 88
326 IAC 11-7-1	A	02-337	26 IR 2061	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 75	326 IAC 14-10-3	A	02-337	26 IR 2076	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 91
326 IAC 13-1.1-1	A	02-337	26 IR 2062	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 76	326 IAC 14-10-4	A	02-337	26 IR 2078	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 93
326 IAC 13-1.1-8	A	02-337	26 IR 2063	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 77	326 IAC 15-1-2	A	02-337	26 IR 2080	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 95
326 IAC 13-1.1-10	A	02-337	26 IR 2063	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 78	326 IAC 15-1-4	A	02-337	26 IR 2083	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 98
326 IAC 13-1.1-13	A	02-337	26 IR 2064	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 79	326 IAC 16-3-1	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 98
326 IAC 13-1.1-14	A	02-337	26 IR 2065	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 80	326 IAC 18-1-1	A	03-283	27 IR 3128	*CPH (27 IR 3591)
326 IAC 13-1.1-16	A	02-337	26 IR 2066	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 81	326 IAC 18-1-2	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 99
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326 IAC 14-1-2	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 81	326 IAC 18-1-4	A	03-283	27 IR 3131	*CPH (27 IR 3591)
326 IAC 14-1-4	R	02-337	26 IR 2099	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 114	326 IAC 18-1-5	A	02-337	26 IR 2086	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 101
326 IAC 14-3-1	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 82	326 IAC 18-1-6	A	03-283	27 IR 3132	*CPH (27 IR 3591)
326 IAC 14-4-1	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 82	326 IAC 18-1-7	A	02-337	26 IR 2087	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 102
326 IAC 14-5-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 82	326 IAC 18-1-8	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 103
326 IAC 14-7-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 83	326 IAC 18-1-9	A	03-283	27 IR 3134	*CPH (27 IR 3591)
326 IAC 14-8-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 83	326 IAC 18-2-2	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 103
326 IAC 14-8-3	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 83	326 IAC 18-2-3	A	03-283	27 IR 3134	*CPH (27 IR 3591)
326 IAC 14-8-4	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 84	326 IAC 18-2-6	A	02-337	26 IR 2090	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 104
326 IAC 14-8-5	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 84	326 IAC 18-2-7	A	02-337	26 IR 2097	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 112
326 IAC 14-9-5	A	02-337	26 IR 2070	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 84	326 IAC 20-25-1	A	03-264	27 IR 3123	*CPH (27 IR 3590)
326 IAC 14-9-8	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 85	326 IAC 20-25-2	A	03-264	27 IR 3124	*CPH (27 IR 3590)
326 IAC 14-9-9	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 86	326 IAC 20-49	N	02-336	26 IR 3090	27 IR 2473
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					326 IAC 20-52	N	02-336	26 IR 3091	27 IR 2473
					326 IAC 20-53	N	02-336	26 IR 3091	27 IR 2474
					326 IAC 20-54	N	02-336	26 IR 3091	27 IR 2474
					326 IAC 20-55	N	02-336	26 IR 3091	27 IR 2474
					326 IAC 20-56	N	03-264	27 IR 3126	*CPH (27 IR 3590)
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326 IAC 20-61	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 120	326 IAC 23-1-47	R	02-189	26 IR 2437	27 IR 490
326 IAC 20-62	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 120	326 IAC 23-1-48.5	N	02-189	26 IR 2411	27 IR 463
326 IAC 20-63	N	03-285	27 IR 2322	28 IR 121	326 IAC 23-1-52	A	02-189	26 IR 2411	27 IR 463
326 IAC 20-64	N	03-285	27 IR 2322	28 IR 121	326 IAC 23-1-52.5	N	02-189	26 IR 2411	27 IR 464
326 IAC 20-65	N	03-285	27 IR 2322	28 IR 121	326 IAC 23-1-54.5	N	02-189	26 IR 2412	27 IR 464
326 IAC 20-66	N	03-285	27 IR 2323	28 IR 122	326 IAC 23-1-55.5	N	02-189	26 IR 2412	27 IR 464
326 IAC 20-67	N	03-285	27 IR 2323	28 IR 122	326 IAC 23-1-58.5	N	02-189	26 IR 2412	27 IR 464
326 IAC 20-68	N	03-285	27 IR 2323	28 IR 122	326 IAC 23-1-58.7	N	02-189	26 IR 2412	27 IR 464
326 IAC 20-69	N	03-285	27 IR 2323	28 IR 122	326 IAC 23-1-60.1	N	02-189	26 IR 2412	27 IR 464
326 IAC 20-70	N	03-284	27 IR 1620	*CPH (27 IR 1937) 28 IR 120	326 IAC 23-1-60.5	N	02-189	26 IR 2412	27 IR 465
326 IAC 20-71	N	04-107	27 IR 3168	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-60.6	N	02-189	26 IR 2413	27 IR 465
326 IAC 20-72	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-61.5	N	02-189	26 IR 2413	27 IR 465
326 IAC 20-73	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-62.5	N	02-189	26 IR 2413	27 IR 465
326 IAC 20-74	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-62.6	N	02-189	26 IR 2413	27 IR 465
326 IAC 20-75	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-63	A	02-189	26 IR 2413	27 IR 466
326 IAC 20-76	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-64	A	02-189	26 IR 2414	27 IR 466
326 IAC 20-77	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-69.5	N	02-189	26 IR 2414	27 IR 466
326 IAC 20-78	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-69.6	N	02-189	26 IR 2414	27 IR 466
326 IAC 20-79	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-69.7	N	02-189	26 IR 2414	27 IR 466
326 IAC 22-1-1	A	02-337	26 IR 2098	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 113	326 IAC 23-1-71	N	02-189	26 IR 2414	27 IR 467
326 IAC 23-1-4	A	02-189	26 IR 2407	27 IR 459	326 IAC 23-2-1	A	02-189	26 IR 2414	27 IR 467
326 IAC 23-1-5	A	02-189	26 IR 2408	27 IR 460	326 IAC 23-2-2	A	02-189	26 IR 2415	27 IR 467
326 IAC 23-1-5.5	N	02-189	26 IR 2408	27 IR 460	326 IAC 23-2-3	A	02-189	26 IR 2415	27 IR 467
326 IAC 23-1-6.5	N	02-189	26 IR 2408	27 IR 460	326 IAC 23-2-4	A	02-189	26 IR 2416	27 IR 469
326 IAC 23-1-7.5	N	02-189	26 IR 2408	27 IR 460	326 IAC 23-2-5	A	02-189	26 IR 2418	27 IR 471
326 IAC 23-1-7.6	N	02-189	26 IR 2408	27 IR 460	326 IAC 23-2-6	A	02-189	26 IR 2419	27 IR 471
326 IAC 23-1-9	A	02-189	26 IR 2408	27 IR 460	326 IAC 23-2-6.5	N	02-189	26 IR 2419	27 IR 472
326 IAC 23-1-10	A	02-189	26 IR 2409	27 IR 461	326 IAC 23-2-7	A	02-189	26 IR 2420	27 IR 473
326 IAC 23-1-11	A	02-189	26 IR 2409	27 IR 461	326 IAC 23-2-8	A	02-189	26 IR 2421	27 IR 474
326 IAC 23-1-11.5	N	02-189	26 IR 2409	27 IR 461	326 IAC 23-2-9	A	02-189	26 IR 2422	27 IR 474
326 IAC 23-1-12.5	N	02-189	26 IR 2409	27 IR 461	326 IAC 23-3-1	A	02-189	26 IR 2422	27 IR 475
326 IAC 23-1-17	A	02-189	26 IR 2409	27 IR 462	326 IAC 23-3-2	A	02-189	26 IR 2422	27 IR 475
326 IAC 23-1-21	A	02-189	26 IR 2410	27 IR 462	326 IAC 23-3-3	A	02-189	26 IR 2423	27 IR 476
326 IAC 23-1-21.5	N	02-189	26 IR 2410	27 IR 462	326 IAC 23-3-5	A	02-189	26 IR 2426	27 IR 479
326 IAC 23-1-22	A	02-189	26 IR 2437	27 IR 462	326 IAC 23-3-7	A	02-189	26 IR 2426	27 IR 479
326 IAC 23-1-23	R	02-189	26 IR 2437	27 IR 490	326 IAC 23-3-11	A	02-189	26 IR 2428	27 IR 480
326 IAC 23-1-26.5	N	02-189	26 IR 2410	27 IR 462	326 IAC 23-3-12	A	02-189	26 IR 2428	27 IR 481
326 IAC 23-1-27	A	02-189	26 IR 2410	27 IR 463	326 IAC 23-3-13	A	02-189	26 IR 2428	27 IR 481
326 IAC 23-1-27.5	N	02-189	26 IR 2410	27 IR 463	326 IAC 23-4-1	A	02-189	26 IR 2429	27 IR 481
326 IAC 23-1-31	A	02-337	26 IR 2099	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 114	326 IAC 23-4-2	A	02-189	26 IR 2429	27 IR 482
326 IAC 23-1-32.1	N	02-189	26 IR 2410	27 IR 463	326 IAC 23-4-3	A	02-189	26 IR 2429	27 IR 482
326 IAC 23-1-32.2	N	02-189	26 IR 2411	27 IR 463	326 IAC 23-4-4	A	02-189	26 IR 2430	27 IR 483
326 IAC 23-1-34	A	02-189	26 IR 2411	27 IR 463	326 IAC 23-4-5	A	02-189	26 IR 2431	27 IR 484
326 IAC 23-1-34.5	N	02-189	26 IR 2411	27 IR 463	326 IAC 23-4-6	A	02-189	26 IR 2432	27 IR 485
326 IAC 23-1-34.8	N	02-189	26 IR 2411	27 IR 463	326 IAC 23-4-7	A	02-189	26 IR 2434	27 IR 486
326 IAC 23-1-37	R	02-189	26 IR 2437	27 IR 490	326 IAC 23-4-9	A	02-189	26 IR 2434	27 IR 487
326 IAC 23-1-40	R	02-189	26 IR 2437	27 IR 490	326 IAC 23-4-11	A	02-189	26 IR 2435	27 IR 488
326 IAC 23-1-42	R	02-189	26 IR 2437	27 IR 490	326 IAC 23-4-12	A	02-189	26 IR 2435	27 IR 488
326 IAC 23-1-43	R	02-189	26 IR 2437	27 IR 490	326 IAC 23-4-13	A	02-189	26 IR 2435	27 IR 488
326 IAC 23-1-44	R	02-189	26 IR 2437	27 IR 490	326 IAC 23-5	N	02-189	26 IR 2436	27 IR 489
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					327 IAC 2-1-8	A	03-129	27 IR 3617	
					327 IAC 2-1-8.1	A	03-129	27 IR 3617	
					327 IAC 2-1-8.2	A	03-129	27 IR 3618	
					327 IAC 2-1-8.3	A	03-129	27 IR 3620	
					327 IAC 2-1-8.9	N	03-129	27 IR 3621	
					327 IAC 2-1-9	A	03-129	27 IR 3622	
					327 IAC 2-1-12	A	03-129	27 IR 3627	
					327 IAC 2-1-13	N	03-129	27 IR 3627	
					327 IAC 2-1.5-2	A	03-129	27 IR 3631	
					327 IAC 2-1.5-6	A	03-129	27 IR 3637	
					327 IAC 2-1.5-8	A	03-129	27 IR 3638	
					327 IAC 2-1.5-10	A	03-129	27 IR 3650	

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327 IAC 2-1.5-11	A	03-129	27 IR 3651		327 IAC 15-5-6	A	01-95	26 IR 1621	*CPH (26 IR 1961)
327 IAC 2-1.5-16	A	03-129	27 IR 3660						*CPH (26 IR 2392)
327 IAC 2-1.5-20	A	03-129	27 IR 3662						*CPH (26 IR 2645)
327 IAC 2-4-3	A	03-129	27 IR 3663						27 IR 837
327 IAC 5-1-1.5	A	02-327	26 IR 3097	*CPH (26 IR 3366)					*ERR (27 IR 2284)
				27 IR 1563	327 IAC 15-5-6.5	N	01-95	26 IR 1622	*CPH (26 IR 1961)
327 IAC 5-1.5-72	A	03-129	27 IR 3663						*CPH (26 IR 2392)
327 IAC 5-2-1.5	A	03-129	27 IR 3663						*CPH (26 IR 2645)
327 IAC 5-2-11.1	A	03-129	27 IR 3664						27 IR 838
327 IAC 5-2-11.2	A	03-129	27 IR 3668						*ERR (27 IR 2284)
327 IAC 5-2-11.4	A	03-129	27 IR 3669		327 IAC 15-5-7	A	01-95	26 IR 1625	*CPH (26 IR 1961)
327 IAC 5-2-11.5	A	03-129	27 IR 3679						*CPH (26 IR 2392)
327 IAC 5-2-11.6	A	03-129	27 IR 3689						*CPH (26 IR 2645)
327 IAC 5-2-13	A	03-129	27 IR 3694						27 IR 840
327 IAC 5-2-15	A	03-129	27 IR 3694						*ERR (27 IR 2284)
327 IAC 5-4-3	A	01-51	26 IR 3698	*CPH (27 IR 1195)	327 IAC 15-5-7.5	N	01-95	26 IR 1627	*CPH (26 IR 1961)
				27 IR 2225					*CPH (26 IR 2392)
327 IAC 5-4-3.1	N	01-51		†† 27 IR 2230					*CPH (26 IR 2645)
327 IAC 5-4-6				*ERR (27 IR 191)	327 IAC 15-5-8	A	01-95	26 IR 1628	27 IR 843
327 IAC 15-2-3	A	01-95	26 IR 1615	*CPH (26 IR 1961)					*CPH (26 IR 1961)
				*CPH (26 IR 2392)					*CPH (26 IR 2392)
				*CPH (26 IR 2645)					*CPH (26 IR 2645)
				27 IR 830					27 IR 843
327 IAC 15-2-6	A	01-95	26 IR 1615	*CPH (26 IR 1961)	327 IAC 15-5-10	A	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)					*CPH (26 IR 2392)
				*CPH (26 IR 2645)					*CPH (26 IR 2645)
				27 IR 830					27 IR 844
327 IAC 15-2-8	A	01-95	26 IR 1615	*CPH (26 IR 1961)	327 IAC 15-5-11	R	01-95	26 IR 1646	*CPH (26 IR 1961)
				*CPH (26 IR 2392)					*CPH (26 IR 2392)
				*CPH (26 IR 2645)					*CPH (26 IR 2645)
				27 IR 831					27 IR 863
327 IAC 15-2-9	A	01-95	26 IR 1615	*CPH (26 IR 1961)	327 IAC 15-5-12	N	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)					*CPH (26 IR 2392)
				*CPH (26 IR 2645)					*CPH (26 IR 2645)
				27 IR 831					27 IR 844
327 IAC 15-3-1	A	01-95	26 IR 1616	*CPH (26 IR 1961)	327 IAC 15-6-1	A	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)					*CPH (26 IR 2392)
				*CPH (26 IR 2645)					*CPH (26 IR 2645)
				27 IR 832					27 IR 845
327 IAC 15-3-2	A	01-95	26 IR 1616	*CPH (26 IR 1961)	327 IAC 15-6-2	A	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)					*CPH (26 IR 2392)
				*CPH (26 IR 2645)					*CPH (26 IR 2645)
				27 IR 832					27 IR 845
				*CPH (26 IR 3366)	327 IAC 15-6-4	A	01-95	26 IR 1632	*ERR (27 IR 2284)
				27 IR 1563					*CPH (26 IR 1961)
327 IAC 15-3-3	A	01-95	26 IR 1617	*CPH (26 IR 1961)					*CPH (26 IR 2392)
				*CPH (26 IR 2392)					*CPH (26 IR 2645)
				*CPH (26 IR 2645)					27 IR 848
				27 IR 832					*ERR (27 IR 2284)
327 IAC 15-5-1	A	01-95	26 IR 1617	*CPH (26 IR 1961)	327 IAC 15-6-5	A	01-95	26 IR 1635	*CPH (26 IR 1961)
				*CPH (26 IR 2392)					*CPH (26 IR 2392)
				*CPH (26 IR 2645)					*CPH (26 IR 2645)
				27 IR 833					27 IR 851
327 IAC 15-5-2	A	01-95	26 IR 1617	*CPH (26 IR 1961)	327 IAC 15-6-6	A	01-95	26 IR 1635	*CPH (26 IR 1961)
				*CPH (26 IR 2392)					*CPH (26 IR 2392)
				*CPH (26 IR 2645)					*CPH (26 IR 2645)
				27 IR 833					27 IR 851
327 IAC 15-5-3	A	01-95	26 IR 1618	*CPH (26 IR 1961)	327 IAC 15-6-7	A	01-95	26 IR 1635	*CPH (26 IR 1961)
				*CPH (26 IR 2392)					*CPH (26 IR 2392)
				*CPH (26 IR 2645)					*CPH (26 IR 2645)
				27 IR 834					27 IR 851
327 IAC 15-5-4	A	01-95	26 IR 1619	*CPH (26 IR 1961)	327 IAC 15-6-7.3	N	01-95	26 IR 1641	*ERR (27 IR 2284)
				*CPH (26 IR 2392)					*CPH (26 IR 1961)
				*CPH (26 IR 2645)					*CPH (26 IR 2392)
				27 IR 834					*CPH (26 IR 2645)
				*ERR (27 IR 2284)					27 IR 857
327 IAC 15-5-5	A	01-95	26 IR 1620	*CPH (26 IR 1961)	327 IAC 15-6-7.5	N	01-95	26 IR 1643	*ERR (27 IR 2285)
				*CPH (26 IR 2392)					*CPH (26 IR 1961)
				*CPH (26 IR 2645)					*CPH (26 IR 2392)
				27 IR 836					*CPH (26 IR 2645)
									27 IR 858

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327 IAC 15-6-8.5	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) 27 IR 859 †† 27 IR 859	328 IAC 1-4-1.5 328 IAC 1-4-3	N 02-204 A 02-204	27 IR 2794	†† 28 IR 140 *CPH (27 IR 3095) 28 IR 141	
327 IAC 15-6-9	A	01-95			328 IAC 1-4-4	N 02-204	27 IR 2795	*CPH (27 IR 3095) 28 IR 141	
327 IAC 15-6-10	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) 27 IR 859	328 IAC 1-4-5 328 IAC 1-5-1	N 02-204 A 02-204	27 IR 2795	†† 28 IR 141 *CPH (27 IR 3095) 28 IR 142	
327 IAC 15-6-11	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) 27 IR 860	328 IAC 1-5-2 328 IAC 1-5-3	A 02-204 A 02-204	27 IR 2796 27 IR 2796	*CPH (27 IR 3095) 28 IR 142 *CPH (27 IR 3095) 28 IR 143	
327 IAC 15-6-12	N	01-95	26 IR 1644	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) 27 IR 860	328 IAC 1-6-1 328 IAC 1-6-2	A 02-204 A 02-204	27 IR 2796 27 IR 2796	*CPH (27 IR 3095) 28 IR 143 *CPH (27 IR 3095) 28 IR 143	
327 IAC 15-13				*ERR (27 IR 2285) *ERR (27 IR 191)	328 IAC 1-7-2 328 IAC 1-7-3	A 02-204 R 02-204	27 IR 2797 27 IR 2797	*CPH (27 IR 3095) 28 IR 144 *CPH (27 IR 3095) 28 IR 144	
327 IAC 15-14	N	02-327	26 IR 3098	*CPH (26 IR 3366) 27 IR 1563 *ERR (28 IR 214)	TITLE 329 SOLID WASTE MANAGEMENT BOARD				
327 IAC 15-15	N	01-51	26 IR 3701	*CPH (27 IR 1195) 27 IR 2230	329 IAC 3.1-1-7	A 02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) 27 IR 1874	
TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD									
328 IAC 1-1-2	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 123	329 IAC 3.1-4-1	A 03-312 A 02-235	27 IR 4110 26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) 27 IR 1874	
328 IAC 1-1-3	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 123					
328 IAC 1-1-4	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 124					
328 IAC 1-1-5.1	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 124					
328 IAC 1-1-7.5	N	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 124	329 IAC 3.1-6-2 329 IAC 3.1-6-3	A 03-312 A 03-312	27 IR 4111 27 IR 4112		
328 IAC 1-1-8	R	02-204	27 IR 2797	*CPH (27 IR 3095) 28 IR 144	329 IAC 3.1-7-2	A 02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) 27 IR 1874	
328 IAC 1-1-8.3	N	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 124					
328 IAC 1-1-8.5	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125					
328 IAC 1-1-9	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125	329 IAC 3.1-7.5 329 IAC 3.1-9-2	N 03-312 A 02-235	27 IR 4112 26 IR 1241	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) 27 IR 1875	
328 IAC 1-1-10	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125					
328 IAC 1-2-1	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125					
328 IAC 1-2-3	A	02-204	27 IR 2780	*CPH (27 IR 3095) 28 IR 125					
328 IAC 1-3-1	A	02-204	27 IR 2780	*CPH (27 IR 3095) 28 IR 126					
328 IAC 1-3-1.3	N	02-204	27 IR 2780	*CPH (27 IR 3095) 28 IR 126	329 IAC 3.1-10-2	A 02-235	26 IR 1242	*ERR (27 IR 4023) *CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) 27 IR 1876	
328 IAC 1-3-1.6	N	02-204	27 IR 2781	*CPH (27 IR 3095) 28 IR 127					
328 IAC 1-3-2	A	02-204	27 IR 2781	*CPH (27 IR 3095) 28 IR 127	329 IAC 3.1-12-2 329 IAC 3.1-13-2	A 03-312 A 03-312	27 IR 4113 27 IR 4114		
328 IAC 1-3-3	A	02-204	27 IR 2781	*CPH (27 IR 3095) 28 IR 127	329 IAC 9-1-1	A 01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 145	
328 IAC 1-3-4	A	02-204	27 IR 2783	*CPH (27 IR 3095) 28 IR 129					
328 IAC 1-3-5	A	02-204	27 IR 2784	*CPH (27 IR 3095) 28 IR 129					
328 IAC 1-3-6	A	02-204	27 IR 2791	*CPH (27 IR 3095) 28 IR 137					
328 IAC 1-4-1	A	02-204	27 IR 2791	*CPH (27 IR 3095) 28 IR 137			27 IR 3177		

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329 IAC 9-1-4	A	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-14.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3177	28 IR 145				27 IR 3209	28 IR 177
329 IAC 9-1-10.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-14.3	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	28 IR 177				27 IR 3178	28 IR 146
329 IAC 9-1-10.2	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-14.5	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	28 IR 177				27 IR 3178	28 IR 146
329 IAC 9-1-10.4	N	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-14.7	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3177	28 IR 146				27 IR 3178	28 IR 146
329 IAC 9-1-10.6	N	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-25	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3178	28 IR 146				27 IR 3178	28 IR 146
329 IAC 9-1-10.8	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-27	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3178	28 IR 146				27 IR 3178	28 IR 147
329 IAC 9-1-14	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-29.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3178	28 IR 146				27 IR 3209	28 IR 177

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329 IAC 9-1-36	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-47.1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3179	28 IR 147				27 IR 3179	28 IR 147
329 IAC 9-1-36.5	N	01-161	27 IR 3179	28 IR 147	329 IAC 9-2-1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-39.5	N	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)				27 IR 3179	28 IR 148
			27 IR 3179	28 IR 147	329 IAC 9-2-2	A	01-161	26 IR 1214	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-41	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)				27 IR 3182	28 IR 150
			27 IR 3209	28 IR 177	329 IAC 9-2.1-1	A	01-161	26 IR 1215	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-41.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)				27 IR 3183	28 IR 151
			27 IR 3209	28 IR 177	329 IAC 9-3-1	A	01-161	26 IR 1216	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-41.5	N	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)				27 IR 3184	28 IR 152
			27 IR 3179	28 IR 147	329 IAC 9-3-2	N	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-42.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)				27 IR 3187	28 IR 155
			27 IR 3209	28 IR 177	329 IAC 9-3.1-1	A	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-47	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)				27 IR 3187	28 IR 155
			27 IR 3179	28 IR 147				27 IR 3187	28 IR 155

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329 IAC 9-3.1-2	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-3.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3187	28 IR 155				27 IR 3209	28 IR 177
329 IAC 9-3.1-3	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-3.2	N	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3188	28 IR 156				27 IR 3192	28 IR 160
329 IAC 9-3.1-4	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-4.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3188	28 IR 156				27 IR 3209	28 IR 177
329 IAC 9-4-3	A	01-161	26 IR 1220	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-4.2	N	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3189	28 IR 157				27 IR 3192	28 IR 160
329 IAC 9-4-4	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-5.1	A	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3189	28 IR 158				27 IR 3193	28 IR 161
329 IAC 9-5-1	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-6	A	01-161	26 IR 1226	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3190	28 IR 158				27 IR 3196	28 IR 164
329 IAC 9-5-2	A	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-7	A	01-161	26 IR 1227	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3191	28 IR 160				27 IR 3196	28 IR 165

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329 IAC 9-6-1	A	01-161	26 IR 1229	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-7-2	A	01-161	26 IR 1236	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-6-2	R	01-161	26 IR 1239	27 IR 3199 28 IR 168 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-7-4	A	01-161	26 IR 1237	27 IR 3206 28 IR 174 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-6-2.5	N	01-161	26 IR 1230	27 IR 3209 28 IR 177 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-7-5	A	01-161	27 IR 3209	28 IR 177 *CPH (26 IR 1962)
329 IAC 9-6-3	A	01-161	26 IR 1234	27 IR 3200 28 IR 168 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 10-1-2.5	N	00-185	27 IR 3209	††27 IR 1791 *CPH (26 IR 2392)
329 IAC 9-6-4	A	01-161	26 IR 1234	27 IR 3204 28 IR 172 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 10-1-4	A	00-185	26 IR 432	*CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1791
329 IAC 9-6-5	A	01-161	26 IR 1235	27 IR 3204 28 IR 173 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 10-1-4.5	N	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) 27 IR 1792
329 IAC 9-7-1	A	01-161	26 IR 1235	27 IR 3205 28 IR 173 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 10-2-6	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1873
329 IAC 10-2-29	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-11	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-29.5	N	01-288	26 IR 1653	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-29.5	N	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3958
329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3958	329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3958
329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3958	329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3958

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329 IAC 10-2-33	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1873	329 IAC 10-2-74	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1794
329 IAC 10-2-41	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1792	329 IAC 10-2-75	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1794
329 IAC 10-2-41.1	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1793	329 IAC 10-2-75.1	N	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1794
329 IAC 10-2-53	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1873	329 IAC 10-2-76	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1873
329 IAC 10-2-60	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1873	329 IAC 10-2-96	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1794
329 IAC 10-2-63.5	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1793	329 IAC 10-2-97.1	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1794
329 IAC 10-2-64	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1793	329 IAC 10-2-99	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1795
329 IAC 10-2-66.1	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1793	329 IAC 10-2-100	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1795
329 IAC 10-2-66.2	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1793	329 IAC 10-2-105.3	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1795
329 IAC 10-2-66.3	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1793	329 IAC 10-2-106	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3366) *CPH (26 IR 3073) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1795
329 IAC 10-2-69	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1793	329 IAC 10-2-109	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1795
329 IAC 10-2-72.1	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3958	329 IAC 10-2-111.5	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)

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329 IAC 10-2-112	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1795	329 IAC 10-2-149	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1873
329 IAC 10-2-115	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3959	329 IAC 10-2-151	A	00-185		†† 27 IR 1796
329 IAC 10-2-116	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3959	329 IAC 10-2-158	A	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1796
329 IAC 10-2-117	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3959	329 IAC 10-2-165.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1797
329 IAC 10-2-121.1	A	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1796	329 IAC 10-2-172.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1797
329 IAC 10-2-127	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1873	329 IAC 10-2-174	A	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3960
329 IAC 10-2-128	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1873	329 IAC 10-2-177	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1873
329 IAC 10-2-130	A	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3959	329 IAC 10-2-179	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3979
329 IAC 10-2-132.2	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1796	329 IAC 10-2-181.2	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1797
329 IAC 10-2-132.3	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1796	329 IAC 10-2-181.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1797
329 IAC 10-2-135.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3979	329 IAC 10-2-181.6	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1797
329 IAC 10-2-135.5	N	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3960	329 IAC 10-2-187.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1797
329 IAC 10-2-142.5	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1796	329 IAC 10-2-197.1	A	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3960
329 IAC 10-2-147.2	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)					

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329 IAC 10-2-199.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3979	329 IAC 10-9-4	A	01-288	26 IR 1659	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3963
329 IAC 10-2-201.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3979	329 IAC 10-10-1	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1799
329 IAC 10-2-203	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1873	329 IAC 10-10-2	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1801
329 IAC 10-2-205	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1873	329 IAC 10-11-2.1	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1801
329 IAC 10-3-1	A	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1797	329 IAC 10-11-2.5	A	00-185	26 IR 441	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1802
329 IAC 10-3-2	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1798	329 IAC 10-11-5.1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1803
329 IAC 10-3-3	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1798	329 IAC 10-11-6	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1804
329 IAC 10-5-1	A	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3960	329 IAC 10-12-1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1804
329 IAC 10-6-4	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1799	329 IAC 10-13-1	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1806
329 IAC 10-7.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3979	329 IAC 10-13-5	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1806
329 IAC 10-7.2	N	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3961	329 IAC 10-13-6	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1806
329 IAC 10-8.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3979	329 IAC 10-14-1	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1807
329 IAC 10-8.2	N	01-288	26 IR 1657	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3961					
329 IAC 10-9-2	A	01-288	26 IR 1659	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3963					

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329 IAC 10-14-2	A	01-288	26 IR 1661	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3966	329 IAC 10-17-18	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1819
329 IAC 10-15-1	A	00-185	26 IR 447	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1808	329 IAC 10-19-1	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1819
329 IAC 10-15-2	A	00-185	26 IR 448	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1809	329 IAC 10-20-3	A	00-185	26 IR 459	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1821
329 IAC 10-15-5	A	00-185	26 IR 449	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1810	329 IAC 10-20-8	A	00-185	26 IR 460	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1821
329 IAC 10-15-8	A	00-185	26 IR 450	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1810	329 IAC 10-20-11	A	00-185	26 IR 461	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1821
329 IAC 10-15-12	N	00-185	26 IR 451	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1812	329 IAC 10-20-12	A	00-185	26 IR 462	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1822
329 IAC 10-16-1	A	00-185	26 IR 452	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1813	329 IAC 10-20-13	A	00-185	26 IR 463	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1823
329 IAC 10-16-8	A	00-185	26 IR 453	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1814	329 IAC 10-20-14.1	A	01-288	26 IR 1662	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3967
329 IAC 10-17-2	A	00-185	26 IR 453	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1814	329 IAC 10-20-20	A	00-185	26 IR 463	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1824
329 IAC 10-17-7	A	00-185	26 IR 454	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1815	329 IAC 10-20-24	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1825
329 IAC 10-17-9	A	00-185	26 IR 456	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1817	329 IAC 10-20-26	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1825
329 IAC 10-17-12	A	00-185	26 IR 457	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1818	329 IAC 10-20-28	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1825

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329 IAC 10-20-29	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3979	329 IAC 10-21-17	N	00-185		† 27 IR 1855
					329 IAC 10-22-2	A	00-185	26 IR 493	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-1	A	00-185	26 IR 465	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1826					27 IR 1855
					329 IAC 10-22-3	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-2	A	00-185	26 IR 468	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1830					27 IR 1856
					329 IAC 10-22-5	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-4	A	00-185	26 IR 474	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1835					27 IR 1856
					329 IAC 10-22-6	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-6	A	00-185	26 IR 477	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1838					27 IR 1856
					329 IAC 10-22-7	A	00-185	26 IR 495	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-7	A	00-185	26 IR 479	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1840					27 IR 1857
					329 IAC 10-22-8	A	00-185	26 IR 496	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-8	A	00-185	26 IR 480	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1841					27 IR 1858
					329 IAC 10-23-2	A	00-185	26 IR 496	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-9	A	00-185	26 IR 481	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1842					27 IR 1859
					329 IAC 10-23-3	A	00-185	26 IR 497	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-10	A	00-185	26 IR 482	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1843					27 IR 1859
					329 IAC 10-23-4	A	00-185	26 IR 498	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-13	A	00-185	26 IR 484	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1845					27 IR 1860
					329 IAC 10-24-4	A	00-185	26 IR 499	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-21-15	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1849					27 IR 1861
					329 IAC 10-28-21	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-21-16	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1850					27 IR 3979
					329 IAC 10-28-24	A	01-288	26 IR 1664	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)

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329 IAC 10-29-1	A	00-185	26 IR 499	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1862	329 IAC 11-3-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3971
329 IAC 10-30-4	A	00-185	26 IR 500	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1862	329 IAC 11-6-1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3979
329 IAC 10-36-19	A	01-288	26 IR 1665	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3969	329 IAC 11-7	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3979
329 IAC 10-37-4	A	00-185	26 IR 501	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1863	329 IAC 11-8-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3971
329 IAC 10-39-1	A	00-185	26 IR 501	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1864	329 IAC 11-8-2.5	N	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3971
329 IAC 10-39-2	A	00-185	26 IR 502	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1864	329 IAC 11-8-3	A	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3972
329 IAC 10-39-3	A	00-185	26 IR 508	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1870	329 IAC 11-9-6	N	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3972
329 IAC 10-39-7	A	00-185	26 IR 509	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1871	329 IAC 11-13-4	A	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3972
329 IAC 10-39-9	A	00-185	26 IR 509	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1871	329 IAC 11-13-6	A	01-288	26 IR 1668	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3973
329 IAC 10-39-10	A	00-185	26 IR 510	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) 27 IR 1872	329 IAC 11-15-1	A	01-288	26 IR 1668	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3973
329 IAC 11-2-19.5	N	01-288	26 IR 1665	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3970	329 IAC 11-19-2	A	01-288	26 IR 1669	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3974
329 IAC 11-2-39	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3970	329 IAC 11-19-3	A	01-288	26 IR 1670	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3974
329 IAC 11-2-44	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3979	329 IAC 11-20-1	A	01-288	26 IR 1670	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3975
					329 IAC 11-21-4	A	01-288	26 IR 1671	*ERR (27 IR 4023) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3976
					329 IAC 11-21-5	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3976
					329 IAC 11-21-6	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3976
					329 IAC 11-21-7	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3976

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329 IAC 11-21-8	A	01-288	26 IR 1672	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3977	TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES 405 IAC 1-1-5 405 IAC 1-1.5-1 405 IAC 1-1.5-2 405 IAC 1-1.6 405 IAC 1-8-2	A	04-178 04-142 04-178 04-142 03-164	28 IR 258 27 IR 3699 28 IR 259 27 IR 3699 26 IR 3929	
329 IAC 12-8-4	A	01-288	26 IR 1672	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3977	405 IAC 1-8-3	A	03-164	26 IR 3929	*NRA (27 IR 1194) 27 IR 2247
	A	03-286	27 IR 3696		405 IAC 1-10.5-2	A	03-164	26 IR 3930	*NRA (27 IR 1194) 27 IR 2247
329 IAC 12-8-5	A	03-286	27 IR 3697			A	03-236	27 IR 914	*NRA (27 IR 1194) 27 IR 2248
329 IAC 12-9-2	A	03-286	27 IR 3698						*NRA (27 IR 1935) 27 IR 2482
329 IAC 13-3-1	A	01-288	26 IR 1673	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) 27 IR 3978	405 IAC 1-10.5-3	A	03-18	26 IR 3378	*NRA (27 IR 207) 27 IR 863
	A	03-312	27 IR 4115			A	03-164	26 IR 3932	*NRA (27 IR 1194) 27 IR 2249
329 IAC 13-3-4	N	03-312	27 IR 4116						*NRA (27 IR 1935) 27 IR 2484
329 IAC 13-9-5	A	03-312	27 IR 4117			A	03-236	27 IR 916	*ERR (27 IR 3580) *NRA (26 IR 3670) 27 IR 93
329 IAC 15-1-1				*ER (28 IR 214)					*NRA (26 IR 3670) 27 IR 94
TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH									
345 IAC 1-3-6.5	R	04-147	27 IR 4136		405 IAC 1-17-1	A	03-61	26 IR 3111	*NRA (26 IR 3670) 27 IR 93
345 IAC 1-3-7	A	04-147	27 IR 4120		405 IAC 1-17-2	A	03-61	26 IR 3111	*NRA (26 IR 3670) 27 IR 94
345 IAC 1-3-9	R	04-147	27 IR 4136		405 IAC 1-17-3	A	03-61	26 IR 3112	*NRA (26 IR 3670) 27 IR 94
345 IAC 1-3-10	A	04-147	27 IR 4121		405 IAC 1-17-4	A	03-61	26 IR 3113	*NRA (26 IR 3670) 27 IR 95
345 IAC 1-3-22	A	03-9	26 IR 3108	27 IR 490	405 IAC 1-17-5	A	03-61	26 IR 3113	*NRA (26 IR 3670) 27 IR 96
345 IAC 1-3-30	A	02-323	26 IR 3102	27 IR 87	405 IAC 1-17-6	A	03-61	26 IR 3114	*NRA (26 IR 3670) 27 IR 96
345 IAC 1-3-31	N	02-323	26 IR 3104	27 IR 89	405 IAC 1-17-7	A	03-61	26 IR 3114	*NRA (26 IR 3670) 27 IR 97
345 IAC 1-3-32	N	02-323	26 IR 3104	27 IR 90	405 IAC 1-17-9	A	03-61	26 IR 3115	*NRA (26 IR 3670) 27 IR 98
345 IAC 1-5-1	A	03-9	26 IR 3108	27 IR 491	405 IAC 1-21	N	03-184	27 IR 258	*NRA (27 IR 1194) *ARR (27 IR 1891) 27 IR 2475
345 IAC 1-6-2	A	02-323	26 IR 3105	27 IR 90					*ERR (27 IR 2499) *NRA (27 IR 1612) 27 IR 2479
345 IAC 1-6-3	A	02-323	26 IR 3105	27 IR 90	405 IAC 2-3-1.1	A	03-205	27 IR 262	*ARR (27 IR 4024) *NRA (27 IR 4044) 28 IR 178
345 IAC 2-4.1	R	04-147	27 IR 4136		405 IAC 2-8-1	A	03-134	26 IR 3706	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3984
345 IAC 2-7-2.4	N	02-323	26 IR 3106	27 IR 92	405 IAC 2-8-1.1	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3984
345 IAC 2-7-2.5	N	02-323	26 IR 3107	27 IR 92	405 IAC 2-10-3	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3984
345 IAC 2-7-3	A	02-323	26 IR 3107	27 IR 92	405 IAC 2-10-7	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3985
345 IAC 2.5	N	04-147	27 IR 4121		405 IAC 2-10-7.1	N	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3985
345 IAC 4-4-1	A	04-135	27 IR 4118		405 IAC 2-10-8	A	03-134	26 IR 3708	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3985
345 IAC 7-3.5-16	A	04-15	27 IR 2328	27 IR 3982	405 IAC 2-10-9	A	03-134	26 IR 3708	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3986
345 IAC 7-5-12	A	04-147	27 IR 4135		405 IAC 2-10-10	R	03-134	26 IR 3709	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3986
345 IAC 7-5-15.1	A	04-16	27 IR 2797						
345 IAC 7-5-22	A	04-16	27 IR 2798						
345 IAC 9-2.1-1	A	04-15	27 IR 2329	27 IR 3982					
345 IAC 9-10.5-2	N	04-15	27 IR 2329	27 IR 3983					
345 IAC 10-2-5	N	04-135	27 IR 4119						
345 IAC 10-2.1-1	A	04-135	27 IR 4119						
TITLE 357 INDIANA PESTICIDE REVIEW BOARD									
357 IAC 1-6-1	A	04-160	28 IR 253		405 IAC 2-8-1.1	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3984
357 IAC 1-6-2	A	04-160	28 IR 254		405 IAC 2-10-3	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3984
357 IAC 1-6-3	R	04-160	28 IR 257		405 IAC 2-10-7	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3985
357 IAC 1-6-4	A	04-160	28 IR 256		405 IAC 2-10-7.1	N	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3985
357 IAC 1-6-5	A	04-160	28 IR 256		405 IAC 2-10-8	A	03-134	26 IR 3708	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3985
357 IAC 1-6-6	A	04-160	28 IR 256		405 IAC 2-10-9	A	03-134	26 IR 3708	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3986
357 IAC 1-6-7	N	04-160	28 IR 257		405 IAC 2-10-10	R	03-134	26 IR 3709	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3986
357 IAC 1-6-8	N	04-160	28 IR 257						
357 IAC 1-7-1	A	04-159	28 IR 249						
357 IAC 1-7-2	A	04-159	28 IR 250						
357 IAC 1-7-3	R	04-159	28 IR 252						
357 IAC 1-7-4	A	04-159	28 IR 251						
357 IAC 1-7-5	A	04-159	28 IR 252						
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357 IAC 1-7-7	N	04-159	28 IR 252						
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357 IAC 1-11	N	02-332	26 IR 3109	*CPH (26 IR 3673) *AROC (27 IR 1652) 27 IR 1877					

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405 IAC 2-10-11	N	03-134	26 IR 3709	*AROC (27 IR 2080) *NRA (27 IR 3094) 27 IR 3986	405 IAC 6-4-3	A	03-260	27 IR 920	*NRA (27 IR 1935) 27 IR 2487
405 IAC 5-1-5	A	04-178	28 IR 260			A	04-95	27 IR 3211	*NRA (27 IR 4044) 28 IR 180
405 IAC 5-3-13	A	03-66	26 IR 3381	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550) *ARR (27 IR 1576) *NRA (27 IR 1612) 27 IR 2244	405 IAC 6-5-1	A	03-260	27 IR 920	*NRA (27 IR 1935) 27 IR 2487
						A	04-95	27 IR 3211	*NRA (27 IR 4044) 28 IR 181
	A	04-178	28 IR 260		405 IAC 6-5-2	A	03-260	27 IR 920	*NRA (27 IR 1935) 27 IR 2488
405 IAC 5-9-1	A	04-178	28 IR 261			A	04-95	27 IR 3211	*NRA (27 IR 4044) 28 IR 181
405 IAC 5-19-1	A	04-178	28 IR 261		405 IAC 6-5-3	A	03-260	27 IR 921	*NRA (27 IR 1935) 27 IR 2488
405 IAC 5-19-3	A	03-207	27 IR 267	*AROC (27 IR 2342)		A	04-95	27 IR 3211	*NRA (27 IR 4044) 28 IR 181
405 IAC 5-19-10	A	04-178	28 IR 262			A	03-260	27 IR 921	*NRA (27 IR 1935) 27 IR 2488
405 IAC 5-20-1	A	03-184	27 IR 259	*NRA (27 IR 1194) *ARR (27 IR 1891) 27 IR 2476	405 IAC 6-5-4	A	03-260	27 IR 921	*NRA (27 IR 1935) 27 IR 2488
						A	04-95	27 IR 3212	*NRA (27 IR 4044) 28 IR 181
405 IAC 5-20-2	A	03-184	27 IR 260	*NRA (27 IR 1194) *ARR (27 IR 1891) 27 IR 2476	405 IAC 6-5-6	A	03-260	27 IR 921	*NRA (27 IR 1935) 27 IR 2489
						A	04-95	27 IR 3212	*NRA (27 IR 4044) 28 IR 182
405 IAC 5-20-3.1	N	03-184	27 IR 260	*NRA (27 IR 1194) *ARR (27 IR 1891) 27 IR 2477	405 IAC 6-6-3	R	03-260	27 IR 921	*NRA (27 IR 1935) 27 IR 2489
					405 IAC 6-6-4	R	03-260	27 IR 921	*NRA (27 IR 1935) 27 IR 2489
405 IAC 5-20-4	A	03-184	27 IR 261	*NRA (27 IR 1194) *ARR (27 IR 1891) 27 IR 2477					
405 IAC 5-20-7	A	03-184	27 IR 261	*NRA (27 IR 1194) *ARR (27 IR 1891) 27 IR 2478					
405 IAC 5-21-1	A	03-66	26 IR 3381	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550) *ARR (27 IR 1576) *NRA (27 IR 1612) 27 IR 2245	TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM				
					407 IAC 3-7-1	A	04-35	27 IR 2535	*NRA (27 IR 3589) 27 IR 3987
					407 IAC 3-13-1	A	04-35	27 IR 2535	*NRA (27 IR 3589) 27 IR 3987
405 IAC 5-21-7	A	03-66	26 IR 3382	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550) *ARR (27 IR 1576) *NRA (27 IR 1612) 27 IR 2245	TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH				
					410 IAC 1-2.3-47	A	03-4	26 IR 3131	27 IR 865
					410 IAC 1-2.3-48	A	03-4	26 IR 3134	27 IR 869
					410 IAC 1-2.3-97.5	N	03-4	26 IR 3135	27 IR 870
					410 IAC 1-5	RA	04-42	27 IR 2579	27 IR 4140
					410 IAC 1-7	N	03-161	27 IR 2048	27 IR 3496
405 IAC 5-21-8	N	03-66	26 IR 3382	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550) *ARR (27 IR 1576) *NRA (27 IR 1612) 27 IR 2245	410 IAC 3-3-7.1	A	03-19	26 IR 3385	*ARR (27 IR 539) 27 IR 1568
									*ERR (27 IR 1890)
					410 IAC 6-6-1				*ERR (27 IR 1890)
					410 IAC 6-6-8				*ERR (27 IR 1890)
					410 IAC 6-6-13				*ERR (27 IR 1890)
					410 IAC 6-6-14.1				*ERR (27 IR 1890)
405 IAC 5-24-7	A	03-206	27 IR 266	*NRA (27 IR 1194) 27 IR 2252	410 IAC 6-7.2-17	A	02-295	26 IR 2662	27 IR 98
					410 IAC 6-7.2-29	A	02-295	26 IR 2662	27 IR 99
405 IAC 5-26-5	A	04-178	28 IR 262		410 IAC 6-7.2-30	A	02-295	26 IR 2663	27 IR 99
405 IAC 6-2-3	A	03-260	27 IR 919	*NRA (27 IR 1935) 27 IR 2486	410 IAC 6-8.1	R	02-321	26 IR 3131	*CPH (26 IR 3368) *AWR (27 IR 3079)
									*CPH (26 IR 3368)
405 IAC 6-2-5	A	03-260	27 IR 919	*NRA (27 IR 1935) 27 IR 2486	410 IAC 6-8.2	N	02-321	26 IR 3116	*AWR (27 IR 3079) *ERR (26 IR 3884)
									*CPH (26 IR 3368)
	A	04-95	27 IR 3210	*NRA (27 IR 4044) 28 IR 179	410 IAC 6-9-3				*CPH (26 IR 3368)
					410 IAC 6-10	R	02-321	26 IR 3131	*AWR (27 IR 3079)
405 IAC 6-2-21	R	03-260	27 IR 921	*NRA (27 IR 1935) 27 IR 2489					
					410 IAC 6-12-0.5	N	03-276	27 IR 3212	
405 IAC 6-2-22	R	03-260	27 IR 921	*NRA (27 IR 1935) 27 IR 2489	410 IAC 6-12-1	A	03-276	27 IR 3212	
					410 IAC 6-12-2	R	03-276	27 IR 3216	
405 IAC 6-3-3	A	03-260	27 IR 919	*NRA (27 IR 1935) 27 IR 2487	410 IAC 6-12-3	A	03-276	27 IR 3213	
					410 IAC 6-12-3.1	N	03-276	27 IR 3213	
	A	04-95	27 IR 3210	*NRA (27 IR 4044) 28 IR 180	410 IAC 6-12-3.2	N	03-276	27 IR 3213	
					410 IAC 6-12-4	A	03-276	27 IR 3213	
405 IAC 6-4-2	A	03-260	27 IR 919	*NRA (27 IR 1935) 27 IR 2487	410 IAC 6-12-5	R	03-276	27 IR 3216	
					410 IAC 6-12-6	R	03-276	27 IR 3216	
	A	04-95	27 IR 3210	*NRA (27 IR 4044) 28 IR 180	410 IAC 6-12-7	A	03-276	27 IR 3213	
					410 IAC 6-12-8	A	03-276	27 IR 3213	

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410 IAC 6-12-9	A	03-276	27 IR 3214		460 IAC 6-3-15.3	N	02-326	26 IR 2665		
410 IAC 6-12-10	A	03-276	27 IR 3215		460 IAC 6-3-18	A	02-326	26 IR 2666		†27 IR 101
410 IAC 6-12-11	A	03-276	27 IR 3215		460 IAC 6-3-25	A	02-326	26 IR 2666		27 IR 102
410 IAC 6-12-12	A	03-276	27 IR 3215		460 IAC 6-3-29.5	N	02-326	26 IR 2666		27 IR 102
410 IAC 6-12-13	A	03-276	27 IR 3215		460 IAC 6-3-31	A	02-326	26 IR 2666		27 IR 102
410 IAC 6-12-14	A	03-276	27 IR 3215		460 IAC 6-3-32	A	02-326	26 IR 2666		27 IR 102
410 IAC 6-12-15	R	03-276	27 IR 3216		460 IAC 6-3-38.5	N	02-326	26 IR 2666		27 IR 103
410 IAC 6-12-17	N	03-276	27 IR 3216		460 IAC 6-3-38.6	N	02-326	26 IR 2667		27 IR 103
410 IAC 7-19	R	02-317	26 IR 3385	*ARR (27 IR 878)	460 IAC 6-3-41.1	N	02-326	26 IR 2667		27 IR 103
				27 IR 1169	460 IAC 6-3-52.1	N	02-326	26 IR 2667		27 IR 103
410 IAC 7-20	R	04-60	27 IR 3301		460 IAC 6-3-56	A	02-326	26 IR 2667		27 IR 103
410 IAC 7-23	N	02-317	26 IR 3383	*ARR (27 IR 878)	460 IAC 6-4-1	A	02-326	26 IR 2667		27 IR 103
				27 IR 1167	460 IAC 6-5-4	A	02-326	26 IR 2668		27 IR 104
410 IAC 7-23-1	A	04-62	27 IR 3301		460 IAC 6-5-7	A	02-326	26 IR 2669		27 IR 105
410 IAC 7-24	N	04-60	27 IR 3216		460 IAC 6-5-21	A	02-326	26 IR 2669		27 IR 105
410 IAC 15-1.5-8	A	03-216	27 IR 1620	27 IR 2718	460 IAC 6-5-32	N	02-326	26 IR 2669		27 IR 105
410 IAC 15-1.7-1	A	03-216	27 IR 1622	27 IR 2720	460 IAC 6-5-33	N	02-326	26 IR 2670		27 IR 106
410 IAC 15-2.5-7	A	03-216	27 IR 1623	27 IR 2721	460 IAC 6-5-34	N	02-326	26 IR 2670		27 IR 106
410 IAC 15-2.7-1	A	03-216	27 IR 1625	27 IR 2722	460 IAC 6-5-35	N	02-326	26 IR 2670		27 IR 106
410 IAC 16.2-1.1-11.5	N	03-275	27 IR 2051	27 IR 3987	460 IAC 6-5-36	N	02-326	26 IR 2670		27 IR 106
410 IAC 16.2-1.1-19.3	N	04-7	27 IR 2542	28 IR 189	460 IAC 6-6-2	A	02-326	26 IR 2670		27 IR 106
410 IAC 16.2-3.1-2	A	03-297	27 IR 2536	28 IR 182	460 IAC 6-6-3	A	02-326	26 IR 2670		27 IR 107
410 IAC 16.2-3.1-3	A	03-275	27 IR 2051	27 IR 3988	460 IAC 6-7-2	A	02-326	26 IR 2671		27 IR 107
410 IAC 16.2-3.1-4	A	03-275	27 IR 2053	27 IR 3989	460 IAC 6-7-3	A	02-326	26 IR 2671		27 IR 108
410 IAC 16.2-3.1-13	A	03-275	27 IR 2054	27 IR 3990	460 IAC 6-9-5	A	02-326	26 IR 2672		27 IR 108
410 IAC 16.2-3.1-14	A	03-275	27 IR 2056	27 IR 3993	460 IAC 6-9-7	N	02-326	26 IR 2673		27 IR 109
	A	04-7	27 IR 2542	28 IR 189	460 IAC 6-10-5	A	02-326	26 IR 2673		27 IR 110
410 IAC 16.2-3.1-19	A	03-90	27 IR 922	*CPH (27 IR 1613)	460 IAC 6-10-8	A	02-326	26 IR 2674		27 IR 110
				27 IR 2715	460 IAC 6-10-13	A	02-326	26 IR 2674		27 IR 110
410 IAC 16.2-3.1-26	A	03-275	27 IR 2059	27 IR 3996	460 IAC 6-13-2	A	02-326	26 IR 2675		27 IR 111
410 IAC 16.2-3.1-29	A	03-275	27 IR 2060	27 IR 3997	460 IAC 6-14-4	A	02-326	26 IR 2675		27 IR 111
410 IAC 16.2-3.1-53	N	04-7	27 IR 2545	28 IR 192	460 IAC 6-14-6	N	03-123	26 IR 3935		27 IR 2724
410 IAC 16.2-5-1.1	A	03-297	27 IR 2539	28 IR 185	460 IAC 6-14-7	N	03-123	26 IR 3935		27 IR 2724
410 IAC 16.2-5-1.2	A	03-275	27 IR 2060	27 IR 3997	460 IAC 6-15-2	A	03-123	26 IR 3935		27 IR 2724
410 IAC 16.2-5-1.3	A	03-275	27 IR 2066	27 IR 4002	460 IAC 6-17-3	A	02-326	26 IR 2675		27 IR 111
410 IAC 16.2-5-1.4	A	03-275	27 IR 2067	27 IR 4003	460 IAC 6-17-4	A	02-326	26 IR 2676		27 IR 112
	A	04-7	27 IR 2547	28 IR 193	460 IAC 6-19-6	A	02-326	26 IR 2676		27 IR 113
410 IAC 16.2-5-2	A	03-275	27 IR 2069	27 IR 4005		A	03-123	26 IR 3936		27 IR 2725
410 IAC 16.2-5-4	A	03-275	27 IR 2069	27 IR 4006	460 IAC 6-24-1	A	02-236	26 IR 2677		27 IR 113
410 IAC 16.2-5-13	N	04-7	27 IR 2548	28 IR 194	460 IAC 6-24-2	A	02-326	26 IR 2677		27 IR 114
410 IAC 16.2-8-1	A	03-90	27 IR 924	*CPH (27 IR 1613)	460 IAC 6-25-10	A	02-326	26 IR 2677		27 IR 114
				27 IR 2718	460 IAC 6-29-4	A	02-326	26 IR 2678		27 IR 114
TITLE 414 HOSPITAL COUNCIL					460 IAC 6-29-9	N	02-326	26 IR 2678		27 IR 115
414 IAC	N	03-277	27 IR 1625	27 IR 2723	460 IAC 6-31-1	A	03-123	26 IR 3936		27 IR 2725
TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION					460 IAC 6-35	N	02-326	26 IR 2678		27 IR 115
440 IAC 5.2	N	03-57	26 IR 3386	*NRA (26 IR 3902)	460 IAC 6-36	N	03-123	26 IR 3937		27 IR 2726
				27 IR 492	460 IAC 8	N	03-99	26 IR 3392		27 IR 2489
TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES					TITLE 470 DIVISION OF FAMILY AND CHILDREN					
460 IAC 1-10	N	03-231	27 IR 3303	*NRA (28 IR 233)	470 IAC 3-1.1-0.5	A	04-77	27 IR 2837		
460 IAC 1.1	N	03-245	27 IR 2799	*AROC (27 IR 3344)	470 IAC 3-1.1-1	A	04-77	27 IR 2838		
				*NRA (28 IR 233)	470 IAC 3-1.1-2	A	04-77	27 IR 2838		
460 IAC 2-2.1	N	04-76	27 IR 3701	*NRA (28 IR 233)	470 IAC 3-1.1-4	A	04-77	27 IR 2838		
460 IAC 2-3-1				*ERR (27 IR 3078)	470 IAC 3-1.1-6	A	04-77	27 IR 2838		
460 IAC 3.5-1-1	A	03-180	27 IR 269		470 IAC 3-1.1-7.2	A	04-77	27 IR 2838		
460 IAC 3.5-2-1	A	03-180	27 IR 269		470 IAC 3-1.1-7.4	A	04-77	27 IR 2839		
460 IAC 5-1-13	A	02-151	26 IR 524		470 IAC 3-1.1-8	A	04-77	27 IR 2839		
460 IAC 6-2-2	A	03-123	26 IR 3935	27 IR 2724	470 IAC 3-1.1-9	R	04-77	27 IR 2857		
460 IAC 6-2-3	A	03-123	26 IR 3935	27 IR 2724	470 IAC 3-1.1-10	A	04-77	27 IR 2839		
460 IAC 6-3-2.1	N	02-326	26 IR 2664	27 IR 101	470 IAC 3-1.1-12	A	04-77	27 IR 2839		
460 IAC 6-3-5.1	N	02-326	26 IR 2665	27 IR 101	470 IAC 3-1.1-12.5	A	04-77	27 IR 2839		
460 IAC 6-3-5.2	N	02-326	26 IR 2665	27 IR 101	470 IAC 3-1.1-13	A	04-77	27 IR 2839		
460 IAC 6-3-6.1	N	02-326	26 IR 2665	27 IR 101	470 IAC 3-1.1-14	A	04-77	27 IR 2840		
460 IAC 6-3-10.1	N	02-326	26 IR 2665	27 IR 101	470 IAC 3-1.1-15	A	04-77	27 IR 2840		
460 IAC 6-3-15.1	N	02-326	26 IR 2665	27 IR 101	470 IAC 3-1.1-16	A	04-77	27 IR 2840		
460 IAC 6-3-15.2	N	03-123	26 IR 3935	27 IR 2724	470 IAC 3-1.1-20	A	04-77	27 IR 2840		
					470 IAC 3-1.1-20.1	N	04-77	27 IR 2840		
					470 IAC 3-1.1-22.5	A	04-77	27 IR 2840		
					470 IAC 3-1.1-24	A	04-77	27 IR 2841		

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470 IAC 3-1.1-28	A	04-77	27 IR 2841		470 IAC 10.1-3-4	R	03-33	26 IR 2682	*NRA (26 IR 3670)
470 IAC 3-1.1-28.5	A	04-77	27 IR 2842						27 IR 500
470 IAC 3-1.1-29	A	04-77	27 IR 2842		470 IAC 10.1-3-4.1	R	03-33	26 IR 2682	*NRA (26 IR 3670)
470 IAC 3-1.1-29.5	A	04-77	27 IR 2842						27 IR 500
470 IAC 3-1.1-32	R	04-77	27 IR 2857		470 IAC 10.1-3-5	R	03-33	26 IR 2682	*NRA (26 IR 3670)
470 IAC 3-1.1-32.1	N	04-77	27 IR 2843						27 IR 500
470 IAC 3-1.1-33	A	04-77	27 IR 2845		470 IAC 10.2	N	03-33	26 IR 2680	*NRA (26 IR 3670)
470 IAC 3-1.1-33.5	A	04-77	27 IR 2845						27 IR 498
470 IAC 3-1.1-34	A	04-77	27 IR 2845		TITLE 511 INDIANA STATE BOARD OF EDUCATION				
470 IAC 3-1.1-35	A	04-77	27 IR 2846		511 IAC 1-3-1	A	03-185	27 IR 270	27 IR 3504
470 IAC 3-1.1-36.5	A	04-77	27 IR 2846			A	04-101	27 IR 3305	
470 IAC 3-1.1-36.6	N	04-77	27 IR 2846		511 IAC 1-9	RA	04-47	27 IR 2879	28 IR 323
470 IAC 3-1.1-37	A	04-77	27 IR 2846		511 IAC 6-7-1	RA	04-47	27 IR 2879	28 IR 323
470 IAC 3-1.1-38	A	04-77	27 IR 2847		511 IAC 6-7-6	RA	04-47	27 IR 2879	28 IR 323
470 IAC 3-1.1-38.5	N	04-77	27 IR 2847		511 IAC 6-7-6.1	A	03-150	26 IR 3938	*ARR (27 IR 1185)
470 IAC 3-1.1-39	A	04-77	27 IR 2848			A	03-150	27 IR 1211	27 IR 3499
470 IAC 3-1.1-40	A	04-77	27 IR 2848		511 IAC 6-7-6.5	A	04-36	27 IR 2552	
470 IAC 3-1.1-41	A	04-77	27 IR 2848		511 IAC 6.1-1-2	A	03-219	27 IR 561	27 IR 4007
470 IAC 3-1.1-41.1	N	04-77	27 IR 2848		511 IAC 6.1-2-2.5	RA	04-47	27 IR 2879	28 IR 323
470 IAC 3-1.1-41.2	N	04-77	27 IR 2848		511 IAC 6.1-5-4	RA	04-47	27 IR 2879	28 IR 323
470 IAC 3-1.1-42	A	04-77	27 IR 2849		511 IAC 6.1-5.1-2	A	04-36	27 IR 2553	
470 IAC 3-1.1-44	A	04-77	27 IR 2849		511 IAC 6.1-5.1-3	A	04-36	27 IR 2553	
470 IAC 3-1.1-44.5	N	04-77	27 IR 2850		511 IAC 6.1-5.1-4	A	04-36	27 IR 2554	
470 IAC 3-1.1-45	A	04-77	27 IR 2850		511 IAC 6.1-5.1-5	A	04-36	27 IR 2555	
470 IAC 3-1.1-45.5	N	04-77	27 IR 2850		511 IAC 6.1-5.1-6	A	04-36	27 IR 2555	
470 IAC 3-1.1-46	A	04-77	27 IR 2851		511 IAC 6.1-5.1-8	A	04-36	27 IR 2556	
470 IAC 3-1.1-47	A	04-77	27 IR 2852		511 IAC 6.1-5.1-9	A	03-151	26 IR 3939	27 IR 3500
470 IAC 3-1.1-48	A	04-77	27 IR 2852			A	04-36	27 IR 2557	
470 IAC 3-1.1-50	N	04-77	27 IR 2853		511 IAC 6.1-5.1-10.1	A	03-151	26 IR 3940	27 IR 3501
470 IAC 3-1.1-51	N	04-77	27 IR 2853			A	04-22	27 IR 2550	
470 IAC 3-1.2-2	A	04-77	27 IR 2853		511 IAC 6.2-2.5	N	03-219	27 IR 563	27 IR 4008
470 IAC 3-1.2-3	A	04-77	27 IR 2853		511 IAC 6.2-6-4	A	02-264	26 IR 1719	27 IR 162
470 IAC 3-1.2-3.2	N	04-77	27 IR 2853		511 IAC 6.2-6-6.1	N	02-264	26 IR 1720	27 IR 163
470 IAC 3-1.2-4	A	04-77	27 IR 2854		511 IAC 6.2-6-8	A	02-264	26 IR 1720	27 IR 163
470 IAC 3-1.2-5	A	04-77	27 IR 2854		511 IAC 6.2-6-12	A	02-264	26 IR 1720	27 IR 163
470 IAC 3-1.2-6	A	04-77	27 IR 2854		511 IAC 6.2-7	N	02-264	26 IR 1720	27 IR 163
470 IAC 3-1.2-7	A	04-77	27 IR 2855		511 IAC 6.2-7-8	A	03-219	27 IR 564	27 IR 4009
470 IAC 3-1.2-8	N	04-77	27 IR 2855		511 IAC 8	RA	04-47	27 IR 2879	28 IR 323
470 IAC 3-1.3-1	A	04-77	27 IR 2855		TITLE 514 INDIANA SCHOOL FOR THE DEAF BOARD				
470 IAC 3-1.3-2	N	04-77	27 IR 2855		514 IAC	N	03-298	27 IR 1634	28 IR 197
470 IAC 3-1.3-3	N	04-77	27 IR 2855		TITLE 515 PROFESSIONAL STANDARDS BOARD				
470 IAC 3-1.3-4	N	04-77	27 IR 2856		515 IAC 1-3	R	02-314	26 IR 1257	*ARR (26 IR 3346)
470 IAC 3-1.3-5	N	04-77	27 IR 2856						27 IR 505
470 IAC 3-1.3-6	N	04-77	27 IR 2856		515 IAC 1-4-1	A	03-320	27 IR 2558	
470 IAC 3-1.3-7	N	04-77	27 IR 2856		515 IAC 1-4-2	A	03-320	27 IR 2558	
470 IAC 3-4.1	R	02-298	26 IR 1719	*NRA (26 IR 3365)	515 IAC 1-7	N	02-314	26 IR 1254	*ARR (26 IR 3346)
				*AROC (26 IR 3756)					27 IR 501
				*AROC (27 IR 288)	515 IAC 4	N	03-135	27 IR 925	27 IR 3066
				27 IR 162	515 IAC 8	N	03-10	26 IR 2437	27 IR 166
470 IAC 3-4.2	R	02-298	26 IR 1719	*NRA (26 IR 3365)					*ERR (27 IR 538)
				*AROC (26 IR 3756)	515 IAC 8-1-23	A	03-321	27 IR 2330	
				*AROC (27 IR 288)	515 IAC 8-1-42	A	03-321	27 IR 2330	
				27 IR 162	515 IAC 9	N	03-11	26 IR 2451	*CPH (26 IR 2648)
470 IAC 3-4.7	N	02-298	26 IR 1675	*NRA (26 IR 3365)					27 IR 1169
				*AROC (26 IR 3756)	515 IAC 9-1-22	A	03-322	27 IR 2331	
				*AROC (27 IR 288)	515 IAC 10	N	04-197	28 IR 263	
				27 IR 116	515 IAC 12	N	03-65	26 IR 3943	*I (27 IR 2727)
470 IAC 3-4.8	N	03-232	27 IR 1626	*ERR (27 IR 1184)					
				*AROC (27 IR 2882)	TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY				
				*NRA (27 IR 4044)	540 IAC 1-1-1	RA	03-112	26 IR 3754	27 IR 570
				28 IR 196	540 IAC 1-1-2	RA	03-112	26 IR 3754	27 IR 570
470 IAC 3-18	N	03-233	27 IR 1627	*AROC (27 IR 3345)	540 IAC 1-1-5	RA	03-112	26 IR 3754	27 IR 570
				*NRA (28 IR 233)	540 IAC 1-1-8	RA	03-112	26 IR 3754	27 IR 570
470 IAC 6-2-1	A	03-136	26 IR 3709	*NRA (27 IR 207)	540 IAC 1-1-10	RA	03-112	26 IR 3754	27 IR 570
				27 IR 870	540 IAC 1-1-11	RA	04-54	27 IR 2880	*CPH (27 IR 3096)
470 IAC 6-2-13	A	03-136	26 IR 3709	*NRA (27 IR 207)					28 IR 324
				27 IR 871					
470 IAC 6-4.1-4	A	03-136	26 IR 3710	*NRA (27 IR 207)					
				27 IR 871					

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540 IAC 1-1-15	RA	03-112	26 IR 3754	27 IR 570	655 IAC 1-2.1-24	A	03-186	27 IR 938	*AROC (27 IR 1652)
540 IAC 1-1-17	RA	04-54	27 IR 2880	*CPH (27 IR 3096)					27 IR 4017
				28 IR 324	655 IAC 1-2.1-24.1	A	03-186	27 IR 938	*AROC (27 IR 1652)
540 IAC 1-1-18	RA	03-112	26 IR 3754	27 IR 570					27 IR 4017
540 IAC 1-2	RA	03-112	26 IR 3754	27 IR 570	655 IAC 1-2.1-24.2	A	03-186	27 IR 938	*AROC (27 IR 1652)
540 IAC 1-3-1	RA	03-112	26 IR 3754	27 IR 570					27 IR 4017
540 IAC 1-4-1	RA	03-112	26 IR 3754	27 IR 570	655 IAC 1-2.1-24.3	N	03-186	27 IR 939	*AROC (27 IR 1652)
540 IAC 1-4-2	RA	03-112	26 IR 3754	27 IR 570					27 IR 4018
540 IAC 1-8-8	RA	03-112	26 IR 3754	27 IR 570	655 IAC 1-2.1-88	A	03-186	27 IR 939	*AROC (27 IR 1652)
540 IAC 1-10-2	RA	03-112	26 IR 3754	27 IR 570					27 IR 4018
540 IAC 1-11	RA	03-112	26 IR 3754	27 IR 570	655 IAC 1-3-1	A	03-186	27 IR 939	*AROC (27 IR 1652)
540 IAC 1-12-1	RA	03-112	26 IR 3754	27 IR 570					27 IR 4018
540 IAC 1-12-3	RA	03-112	26 IR 3754	27 IR 570	655 IAC 1-3-2	A	03-186	27 IR 939	*AROC (27 IR 1652)
540 IAC 1-12-4	RA	03-112	26 IR 3754	27 IR 570					27 IR 4018
TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND					655 IAC 1-3-4	A	03-186	27 IR 940	*AROC (27 IR 1652)
550 IAC 2-2-7	A	03-155	26 IR 3944	*CPH (27 IR 551)					27 IR 4018
				*CPH (27 IR 1196)	655 IAC 1-3-5	A	03-186	27 IR 940	*AROC (27 IR 1652)
				27 IR 2496					27 IR 4019
550 IAC 7	N	03-100	26 IR 3710	*CPH (27 IR 1196)	655 IAC 1-3-7	A	03-186	27 IR 940	*AROC (27 IR 1652)
				27 IR 2495					27 IR 4019
TITLE 610 DEPARTMENT OF LABOR					655 IAC 1-3-8	R	03-186	27 IR 941	*AROC (27 IR 1652)
610 IAC 4-2-1	A	03-36	26 IR 2463	27 IR 1879	655 IAC 1-4-1	A	03-186	27 IR 940	*AROC (27 IR 1652)
610 IAC 4-2-11	R	03-36	26 IR 2464	27 IR 1879					27 IR 4019
610 IAC 4-6-11	A	03-37	26 IR 2464	27 IR 1879	655 IAC 1-4-2	A	03-186	27 IR 940	*AROC (27 IR 1652)
610 IAC 4-6-13	R	03-253	27 IR 565	27 IR 2728					27 IR 4019
610 IAC 4-6-23	A	03-252	27 IR 564	27 IR 2728					27 IR 4019
TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT					TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION				
646 IAC 3-1-12	N	03-317	27 IR 2858		675 IAC 12-4-11	A	03-278	27 IR 941	27 IR 3505
646 IAC 3-1-13	N	03-317	27 IR 2858		675 IAC 13-1-4	RA	03-48	26 IR 2693	*CPH (27 IR 551)
646 IAC 3-4-11	N	03-317	27 IR 2858						27 IR 1299
646 IAC 3-5-1	A	03-317	27 IR 2859		675 IAC 13-1-5	RA	03-48	26 IR 2693	*CPH (27 IR 551)
TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION									27 IR 1299
655 IAC 1-1-5.1	A	03-186	27 IR 932	*AROC (27 IR 1652)	675 IAC 13-1-9.5	RA	03-48	26 IR 2693	*CPH (27 IR 551)
				27 IR 4010					27 IR 1299
655 IAC 1-2.1-2	A	03-186	27 IR 934	*AROC (27 IR 1652)	675 IAC 13-1-9.6	RA	03-48	26 IR 2693	*CPH (27 IR 551)
				27 IR 4013					27 IR 1299
655 IAC 1-2.1-3	A	03-186	27 IR 934	*AROC (27 IR 1652)	675 IAC 13-1-28	RA	03-48	26 IR 2693	*CPH (27 IR 551)
				27 IR 4013					27 IR 1299
655 IAC 1-2.1-6.1	A	03-186	27 IR 935	*AROC (27 IR 1652)	675 IAC 14-4.2	R	04-194	28 IR 312	
				27 IR 4014	675 IAC 14-4.2-1	A	03-71	26 IR 3712	27 IR 2253
655 IAC 1-2.1-6.2	A	03-186	27 IR 935	*AROC (27 IR 1652)	675 IAC 14-4.2-2	A	03-71	26 IR 3712	27 IR 2253
				27 IR 4014	675 IAC 14-4.2-3	A	03-71	26 IR 3714	27 IR 2254
655 IAC 1-2.1-6.3	A	03-186	27 IR 935	*AROC (27 IR 1652)	675 IAC 14-4.2-6	A	03-71	26 IR 3715	27 IR 2256
				27 IR 4014	675 IAC 14-4.2-7	A	03-71	26 IR 3719	27 IR 2260
655 IAC 1-2.1-6.4	A	03-186	27 IR 936	*AROC (27 IR 1652)	675 IAC 14-4.2-9	A	03-71	26 IR 3719	27 IR 2260
				27 IR 4014	675 IAC 14-4.2-13.5	N	03-71	26 IR 3719	27 IR 2260
655 IAC 1-2.1-12	A	03-186	27 IR 936	*AROC (27 IR 1652)	675 IAC 14-4.2-15.5	N	03-71	26 IR 3719	27 IR 2260
				27 IR 4015	675 IAC 14-4.2-19.5	N	03-71	26 IR 3720	27 IR 2260
655 IAC 1-2.1-14	A	03-186	27 IR 936	*AROC (27 IR 1652)	675 IAC 14-4.2-20.5	A	03-71	26 IR 3720	27 IR 2261
				27 IR 4015	675 IAC 14-4.2-21	A	03-71	26 IR 3720	27 IR 2261
655 IAC 1-2.1-15	A	03-186	27 IR 936	*AROC (27 IR 1652)	675 IAC 14-4.2-22	A	03-71	26 IR 3721	27 IR 2262
				27 IR 4015	675 IAC 14-4.2-26.5	N	03-71	26 IR 3722	27 IR 2263
655 IAC 1-2.1-19	A	03-186	27 IR 937	*AROC (27 IR 1652)	675 IAC 14-4.2-27.5	A	03-71	26 IR 3722	27 IR 2263
				27 IR 4015	675 IAC 14-4.2-29	A	03-71	26 IR 3722	27 IR 2263
655 IAC 1-2.1-19.1	A	03-186	27 IR 937	*AROC (27 IR 1652)	675 IAC 14-4.2-30	A	04-8	27 IR 2333	
				27 IR 4016	675 IAC 14-4.2-31	A	03-71	26 IR 3722	27 IR 2263
655 IAC 1-2.1-20	A	03-186	27 IR 937	*AROC (27 IR 1652)	675 IAC 14-4.2-34	A	03-71	26 IR 3723	27 IR 2264
				27 IR 4016	675 IAC 14-4.2-37.5	N	03-71	26 IR 3724	27 IR 2265
655 IAC 1-2.1-23	A	03-186	27 IR 938	*AROC (27 IR 1652)	675 IAC 14-4.2-45.3	N	03-71	26 IR 3724	27 IR 2265
				27 IR 4016	675 IAC 14-4.2-46.8	N	03-71	26 IR 3724	27 IR 2265
655 IAC 1-2.1-23.1	A	03-186	27 IR 938	*AROC (27 IR 1652)	675 IAC 14-4.2-49.1	N	03-71	26 IR 3724	27 IR 2265
				27 IR 4017	675 IAC 14-4.2-49.3	N	03-71	26 IR 3724	27 IR 2265
				27 IR 4017	675 IAC 14-4.2-52	A	03-71	26 IR 3725	27 IR 2266
				27 IR 4017	675 IAC 14-4.2-53	A	03-71	26 IR 3725	27 IR 2266
				27 IR 4016	675 IAC 14-4.2-53.7	N	03-71	26 IR 3725	27 IR 2266
				27 IR 4016	675 IAC 14-4.2-61	A	03-71	26 IR 3726	27 IR 2267
				27 IR 4017	675 IAC 14-4.2-63	A	03-71	26 IR 3726	27 IR 2267
				27 IR 4017	675 IAC 14-4.2-69.5	N	03-71	26 IR 3726	27 IR 2267

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675 IAC 14-4.2-69.6	N	03-71		††27 IR 2267	675 IAC 22-2.2-368.1	R	04-56	27 IR 2864
675 IAC 14-4.2-71	A	03-71	26 IR 3726	27 IR 2268	675 IAC 22-2.2-369.5	R	04-56	27 IR 2864
675 IAC 14-4.2-73.5	N	03-71	26 IR 3727	27 IR 2268	675 IAC 22-2.2-378.5	R	04-56	27 IR 2864
675 IAC 14-4.2-77.6	N	03-71	26 IR 3727	27 IR 2268	675 IAC 22-2.2-412.5	R	04-56	27 IR 2864
675 IAC 14-4.2-77.7	N	03-71	26 IR 3727	27 IR 2268	675 IAC 22-2.2-437.5	R	04-56	27 IR 2864
675 IAC 14-4.2-81.2	N	03-71	26 IR 3727	27 IR 2268	675 IAC 22-2.2-437.7	R	04-56	27 IR 2864
675 IAC 14-4.2-81.3	N	03-71	26 IR 3727	27 IR 2269	675 IAC 22-2.2-443.5	R	04-56	27 IR 2864
675 IAC 14-4.2-81.7	N	03-71	26 IR 3727	27 IR 2269	675 IAC 22-2.2-511.1	R	04-56	27 IR 2864
675 IAC 14-4.2-82	A	03-71	26 IR 3727	27 IR 2269	675 IAC 22-2.2-515.1	R	04-56	27 IR 2864
675 IAC 14-4.2-83	A	03-71	26 IR 3728	27 IR 2269	675 IAC 22-2.2-540	R	04-56	27 IR 2864
675 IAC 14-4.2-89.2	N	03-71	26 IR 3728	27 IR 2269	675 IAC 22-2.3-18			*ERR (27 IR 3078)
	A	04-8	27 IR 2333		675 IAC 22-2.3-29.5	N	04-56	27 IR 2860
675 IAC 14-4.2-89.6	A	03-71	26 IR 3728	27 IR 2269	675 IAC 22-2.3-35.5	N	04-56	27 IR 2860
675 IAC 14-4.2-89.7	R	03-71	26 IR 3737	27 IR 2278	675 IAC 22-2.3-36	A	04-56	27 IR 2860
675 IAC 14-4.2-89.8	A	03-71	26 IR 3728	27 IR 2270	675 IAC 22-2.3-36.3	N	04-56	27 IR 2861
675 IAC 14-4.2-89.9	A	03-71	26 IR 3728	27 IR 2270	675 IAC 22-2.3-36.4	N	04-56	27 IR 2861
675 IAC 14-4.2-89.10	R	03-71	26 IR 3737	27 IR 2278	675 IAC 22-2.3-36.6	N	04-56	27 IR 2863
675 IAC 14-4.2-89.11	R	03-71	26 IR 3737	27 IR 2278	675 IAC 22-2.3-36.8	N	04-56	27 IR 2863
675 IAC 14-4.2-95	A	03-71	26 IR 3729	27 IR 2270	675 IAC 22-2.3-111			*ERR (27 IR 3078)
675 IAC 14-4.2-96.2	N	03-71	26 IR 3729	27 IR 2270	675 IAC 22-2.3-140.5	N	04-56	27 IR 2863
675 IAC 14-4.2-97.5	N	03-71	26 IR 3729	27 IR 2270	675 IAC 22-2.3-147.5	N	04-56	27 IR 2863
675 IAC 14-4.2-97.9	N	03-71	26 IR 3729	27 IR 2270	675 IAC 22-2.3-147.6	N	04-56	27 IR 2863
675 IAC 14-4.2-107	A	03-71	26 IR 3729	27 IR 2271	675 IAC 22-2.3-148	A	04-56	27 IR 2864
675 IAC 14-4.2-112.5	N	03-71	26 IR 3735	27 IR 2277	675 IAC 22-2.3-148.5	N	04-56	27 IR 2864
675 IAC 14-4.2-117	A	03-71	26 IR 3736	27 IR 2277	675 IAC 22-2.3-237.5	N	04-56	27 IR 2864
675 IAC 14-4.2-171.5	N	03-71	26 IR 3736	27 IR 2277	675 IAC 22-2.3-284			*ERR (27 IR 3078)
675 IAC 14-4.2-174.5	N	03-71	26 IR 3736	27 IR 2277	675 IAC 22-2.3-298.5	N	04-56	27 IR 2864
675 IAC 14-4.2-177.5	N	03-71	26 IR 3736	27 IR 2277	675 IAC 22-2.3-304.5	N	04-56	27 IR 2864
675 IAC 14-4.2-189	A	03-71	26 IR 3736	27 IR 2277	675 IAC 22-2.3-305			*ERR (27 IR 3078)
675 IAC 14-4.2-189.2	N	03-71	26 IR 3736	27 IR 2277				
675 IAC 14-4.2-191.4	A	03-71	26 IR 3736	27 IR 2278				
675 IAC 14-4.2-192	R	03-71	26 IR 3737		TITLE 685 REGULATED AMUSEMENT DEVICE SAFETY BOARD			
675 IAC 14-4.3	N	04-194	28 IR 268		685 IAC 1	RA	04-124	27 IR 3343
675 IAC 17-1.6-12	A	03-71	26 IR 3737	27 IR 2278				
675 IAC 17-1.6-16	A	03-71	26 IR 3737	27 IR 2278	TITLE 750 DEPARTMENT OF FINANCIAL INSTITUTIONS			
675 IAC 19-3-4	A	03-71	26 IR 3737	27 IR 2278	750 IAC 1-1-1	A	04-46	*ER (27 IR 2297)
675 IAC 22-2.2-3	RA	04-19	27 IR 2339	28 IR 324				
675 IAC 22-2.2-4	RA	04-19	27 IR 2339	28 IR 324	TITLE 760 DEPARTMENT OF INSURANCE			
675 IAC 22-2.2-5	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-21-2	A	02-299	26 IR 1724 *AROC (26 IR 3427)
675 IAC 22-2.2-6	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-21-5	A	02-299	26 IR 1724 *AROC (26 IR 3427)
675 IAC 22-2.2-7	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-21-8	A	02-299	26 IR 1724 *AROC (26 IR 3427)
675 IAC 22-2.2-8	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-50-2	A	03-160	27 IR 271 27 IR 1568
675 IAC 22-2.2-9	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-50-3	A	03-160	27 IR 271 27 IR 1569
675 IAC 22-2.2-10	RA	04-19	27 IR 2339	28 IR 324				
675 IAC 22-2.2-11	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-50-4	A	03-160	27 IR 272 27 IR 1569
675 IAC 22-2.2-12	RA	04-19	27 IR 2339	28 IR 324				
675 IAC 22-2.2-13	RA	04-19	27 IR 2339	28 IR 324				
675 IAC 22-2.2-15	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-50-5	A	03-160	27 IR 272 27 IR 1569
675 IAC 22-2.2-16	RA	04-19	27 IR 2340	28 IR 324				
675 IAC 22-2.2-17	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-50-7	A	03-160	27 IR 273 27 IR 1570
675 IAC 22-2.2-18	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-50-13	A	03-160	27 IR 273 27 IR 1570
675 IAC 22-2.2-21	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-50-13.5	A	03-160	27 IR 273 27 IR 1571
675 IAC 22-2.2-22	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-57-1	A	03-7	26 IR 3398 27 IR 505
675 IAC 22-2.2-23	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-57-2	A	03-7	26 IR 3398 27 IR 505
675 IAC 22-2.2-24	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-57-3	A	03-7	26 IR 3398 27 IR 505
675 IAC 22-2.2-25	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-57-4	A	03-7	26 IR 3399 27 IR 506
675 IAC 22-2.2-49.5	R	04-56	27 IR 2864		760 IAC 1-57-5	A	03-7	26 IR 3399 27 IR 506
675 IAC 22-2.2-107.1	R	04-56	27 IR 2864		760 IAC 1-57-6	A	03-7	26 IR 3400 27 IR 507
675 IAC 22-2.2-134.5	R	04-56	27 IR 2864		760 IAC 1-57-7	R	03-7	26 IR 3408 27 IR 515
675 IAC 22-2.2-183	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-57-8	A	03-7	26 IR 3401 27 IR 508
	R	04-56	27 IR 2864					*ERR (27 IR 1575)
675 IAC 22-2.2-221.5	R	04-56	27 IR 2864		760 IAC 1-57-9	A	03-7	26 IR 3405 27 IR 512
675 IAC 22-2.2-240.1	R	04-56	27 IR 2864		760 IAC 1-57-10	A	03-7	26 IR 3407 27 IR 514
675 IAC 22-2.2-241.1	R	04-56	27 IR 2864					*ERR (27 IR 1575)
675 IAC 22-2.2-243.1	R	04-56	27 IR 2864		760 IAC 1-60-1	RA	04-143	27 IR 3706
675 IAC 22-2.2-245.2	R	04-56	27 IR 2864		760 IAC 1-60-2	RA	04-143	27 IR 3706
675 IAC 22-2.2-245.5	R	04-56	27 IR 2864		760 IAC 1-60-3	A	03-258	27 IR 2070 27 IR 2729
675 IAC 22-2.2-365.2	R	04-56	27 IR 2864		760 IAC 1-60-4	RA	04-143	27 IR 3706
675 IAC 22-2.2-365.5	R	04-56	27 IR 2864		760 IAC 1-60-5	A	03-258	27 IR 2072 27 IR 2730
					760 IAC 1-69	N	03-8	26 IR 3945 27 IR 872

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760 IAC 1-70	N	04-39	27 IR 2560 28 IR 314		808 IAC 2-12-4	N	03-227	27 IR 2567	*ARR (28 IR 215) 28 IR 202
760 IAC 2-1-1	A	03-303	27 IR 3306		808 IAC 2-12-5	N	03-227	27 IR 2567	*ARR (28 IR 215) 28 IR 202
760 IAC 2-2-1.5	N	03-303	27 IR 3306		808 IAC 2-12-6	N	03-227	27 IR 2567	*ARR (28 IR 215) 28 IR 202
760 IAC 2-2-3.1	N	03-303	27 IR 3307		808 IAC 2-12-7	N	03-227	27 IR 2568	*ARR (28 IR 215) 28 IR 202
760 IAC 2-2-3.2	N	03-303	27 IR 3307		808 IAC 2-12-8	N	03-227	27 IR 2568	*ARR (28 IR 215)
760 IAC 2-2-3.3	N	03-303	27 IR 3307		808 IAC 2-18-1	A	03-226	27 IR 2565	28 IR 199
760 IAC 2-2-3.4	N	03-303	27 IR 3307		808 IAC 2-22-1	A	03-226	27 IR 2565	28 IR 199
760 IAC 2-2-3.5	N	03-303	27 IR 3307		TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS				
760 IAC 2-2-3.6	N	03-303	27 IR 3307		820 IAC 4-1-11	A	03-21	26 IR 3137	*AROC (26 IR 3426) 27 IR 515
760 IAC 2-2-3.7	N	03-303	27 IR 3307		820 IAC 6-1-3	A	03-21	26 IR 3137	*AROC (26 IR 3426) 27 IR 516
760 IAC 2-2-3.8	N	03-303	27 IR 3308		820 IAC 6-3	N	03-21	26 IR 3137	*AROC (26 IR 3426) 27 IR 516
760 IAC 2-2-8	A	03-303	27 IR 3308		TITLE 828 STATE BOARD OF DENTISTRY				
760 IAC 2-3-1	A	03-303	27 IR 3308		828 IAC 1-1-3	A	03-73	26 IR 3408	*CPH (26 IR 3904) 27 IR 2278
760 IAC 2-3-2	A	03-303	27 IR 3308		828 IAC 1-1-6	A	03-73	26 IR 3409	*CPH (26 IR 3904) 27 IR 2279
760 IAC 2-3-4	A	03-303	27 IR 3309		828 IAC 1-1-7	A	03-73	26 IR 3409	*CPH (26 IR 3904) 27 IR 2279
760 IAC 2-3-6	A	03-303	27 IR 3310		828 IAC 1-1-12	A	03-73	26 IR 3409	*CPH (26 IR 3904) 27 IR 2279
760 IAC 2-3-7	N	03-303	27 IR 3310		828 IAC 1-2-3	A	03-73	26 IR 3409	*CPH (26 IR 3904) 27 IR 2279
760 IAC 2-3-8	N	03-303	27 IR 3311		828 IAC 1-2-6	A	03-73	26 IR 3410	*CPH (26 IR 3904) 27 IR 2280
760 IAC 2-4-1	A	03-303	27 IR 3311		828 IAC 1-2-7	A	03-73	26 IR 3410	*CPH (26 IR 3904) 27 IR 2280
760 IAC 2-4-2	N	03-303	27 IR 3312		828 IAC 1-2-12	A	03-73	26 IR 3410	*CPH (26 IR 3904) 27 IR 2280
760 IAC 2-7-1	A	03-303	27 IR 3313		828 IAC 1-5-6	N	03-162	27 IR 2334	
760 IAC 2-8-1	A	03-303	27 IR 3314		TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD				
760 IAC 2-8-2	A	03-303	27 IR 3314		830 IAC 1-1	RA	04-6	27 IR 2340	28 IR 325
760 IAC 2-8-3	A	03-303	27 IR 3314		830 IAC 1-2-1	RA	03-55	26 IR 3755	27 IR 946
760 IAC 2-8-4	A	03-303	27 IR 3315		830 IAC 1-2-2	RA	03-55	26 IR 3755	27 IR 946
760 IAC 2-8-6	N	03-303	27 IR 3316		830 IAC 1-2-3	RA	03-55	26 IR 3755	27 IR 946
760 IAC 2-9-1	A	03-303	27 IR 3316		830 IAC 1-2-4	RA	03-55	26 IR 3755	27 IR 946
760 IAC 2-10-1	A	03-303	27 IR 3316		830 IAC 1-2-5	RA	03-55	26 IR 3755	27 IR 946
760 IAC 2-13-1	A	03-303	27 IR 3317		830 IAC 1-3	RA	03-55	26 IR 3755	27 IR 946
760 IAC 2-15-1	A	03-303	27 IR 3317		830 IAC 1-4	RA	03-55	26 IR 3755	27 IR 946
760 IAC 2-15.5	N	03-303	27 IR 3319		830 IAC 1-5	RA	03-55	26 IR 3755	27 IR 946
760 IAC 2-16-1	A	03-303	27 IR 3320		TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION				
760 IAC 2-17-1	A	03-303	27 IR 3323		836 IAC 1-1-1	A	03-188	27 IR 1212	27 IR 3507
760 IAC 2-18-1	A	03-303	27 IR 3325		836 IAC 1-1-2	A	03-188	27 IR 1215	27 IR 3510
760 IAC 2-19-2	A	03-303	27 IR 3325		836 IAC 1-1-3	A	03-188	27 IR 1216	27 IR 3511
760 IAC 2-19.5	N	03-303	27 IR 3325		836 IAC 1-1-4	N	03-188	27 IR 1217	27 IR 3512
760 IAC 2-20-10	A	03-303	27 IR 3329		836 IAC 1-1-5	N	03-188	27 IR 1217	27 IR 3512
760 IAC 2-20-31.1	A	03-303	27 IR 3329		836 IAC 1-1-6	N	03-188	27 IR 1219	27 IR 3514
760 IAC 2-20-34	A	03-303	27 IR 3329		836 IAC 1-1-7	N	03-188	27 IR 1220	27 IR 3514
760 IAC 2-20-35	A	03-303	27 IR 3332		836 IAC 1-1-8	N	03-188	27 IR 1220	27 IR 3515
760 IAC 2-20-36.1	A	03-303	27 IR 3332		836 IAC 1-2-1	A	03-188	27 IR 1221	27 IR 3516
760 IAC 2-20-36.2	A	03-303	27 IR 3333		836 IAC 1-2-2	A	03-188	27 IR 1222	27 IR 3517
760 IAC 2-20-37.2	A	03-303	27 IR 3334		836 IAC 1-2-3	A	03-188	27 IR 1222	27 IR 3517
760 IAC 2-20-37.3	N	03-303	27 IR 3334		836 IAC 1-2-5	N	03-188	27 IR 1225	27 IR 3520
760 IAC 2-20-38.1	A	03-303	27 IR 3334		836 IAC 1-3-1	A	03-188	27 IR 1225	27 IR 3520
760 IAC 2-20-42	A	03-303	27 IR 3335		836 IAC 1-3-2	A	03-188	27 IR 1226	27 IR 3520
TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS					836 IAC 1-3-3	A	03-188	27 IR 1226	27 IR 3521
804 IAC 1.1-1-1	A	03-20	26 IR 3136	27 IR 180	836 IAC 1-3-5	A	03-188	27 IR 1228	27 IR 3523
TITLE 808 STATE BOXING COMMISSION					836 IAC 1-3-6	A	03-188	27 IR 1229	27 IR 3524
808 IAC 1-3-6	A	03-226	27 IR 2563	28 IR 198					
808 IAC 1-5-1	A	03-226	27 IR 2563	28 IR 198					
808 IAC 1-5-2	A	03-226	27 IR 2563	28 IR 198					
808 IAC 2-1-5	A	03-226	27 IR 2564	28 IR 198					
808 IAC 2-1-12	A	03-226	27 IR 2564	28 IR 199					
808 IAC 2-7-14	A	03-226	27 IR 2564	28 IR 199					
808 IAC 2-8-7	R	03-226	27 IR 2566	28 IR 200					
808 IAC 2-9-5	A	03-226	27 IR 2564	28 IR 199					
808 IAC 2-12-0.5	N	03-227	27 IR 2566	*ARR (28 IR 215) 28 IR 201					
808 IAC 2-12-2	N	03-227	27 IR 2567	*ARR (28 IR 215) 28 IR 201					
808 IAC 2-12-3	N	03-227	27 IR 2567	*ARR (28 IR 215) 28 IR 201					

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836 IAC 1-4-1	A	03-188	27 IR 1230	27 IR 3525	TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD			
836 IAC 1-4-2	A	03-188	27 IR 1230	27 IR 3525	839 IAC 1-3-2	A	02-270	26 IR 871 *ARR (26 IR 1945)
836 IAC 1-11-1	A	03-188	27 IR 1231	27 IR 3526				26 IR 3411 27 IR 517
836 IAC 1-11-2	A	03-188	27 IR 1231	27 IR 3526	839 IAC 1-4-5	A	02-270	26 IR 871 *ARR (26 IR 1945)
836 IAC 1-11-3	A	03-188	27 IR 1232	27 IR 3527				26 IR 3411 27 IR 518
836 IAC 1-11-4	A	03-188	27 IR 1234	27 IR 3529	839 IAC 1-5-1	A	02-270	26 IR 872 *ARR (26 IR 1945)
836 IAC 1-12	N	03-188	27 IR 1235	27 IR 3530				26 IR 3412 27 IR 518
836 IAC 2-1-1	A	03-188	27 IR 1239	27 IR 3534	839 IAC 1-5-1.5	N	02-270	26 IR 874 *ARR (26 IR 1945)
836 IAC 2-2-1	A	03-188	27 IR 1240	27 IR 3535				26 IR 3414 27 IR 520
836 IAC 2-2-2	A	03-188	27 IR 1243	27 IR 3537	TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS			
836 IAC 2-2-3	A	03-188	27 IR 1244	27 IR 3538	840 IAC 1-1-6	A	03-189	27 IR 566 27 IR 1880
836 IAC 2-2-4	N	03-188	27 IR 1245	27 IR 3540	840 IAC 1-2-1	A	03-190	27 IR 566 27 IR 1881
836 IAC 2-4.1-1	A	03-188	27 IR 1245	27 IR 3540	TITLE 844 MEDICAL LICENSING BOARD OF INDIANA			
836 IAC 2-4.1-2	A	03-188	27 IR 1246	27 IR 3541	844 IAC 4-4.5-12	A	03-325	27 IR 2334 27 IR 3072
836 IAC 2-7.1	R	03-188	27 IR 1283	27 IR 3579	844 IAC 5-1-1	A	02-268	26 IR 2117 27 IR 521
836 IAC 2-7.2-1	A	03-188	27 IR 1247	27 IR 3542	844 IAC 5-1-3	A	02-268	26 IR 2118 27 IR 522
836 IAC 2-7.2-2	A	03-188	27 IR 1250	27 IR 3544	844 IAC 5-3	N	02-268	26 IR 2118 27 IR 522
836 IAC 2-7.2-3	A	03-188	27 IR 1250	27 IR 3545	844 IAC 5-4	N	02-268	26 IR 2120 27 IR 524
836 IAC 2-7.2-4	N	03-188	27 IR 1252	27 IR 3547				*ERR (27 IR 538)
836 IAC 2-11-1	R	03-188	27 IR 1283	27 IR 3579	844 IAC 6-1-2	A	03-262	27 IR 1284 28 IR 209
836 IAC 2-14-1	A	03-188	27 IR 1252	27 IR 3547	844 IAC 6-1-4	A	03-261	27 IR 1635 *CPH (27 IR 2300)
836 IAC 2-14-2	A	03-188	27 IR 1253	27 IR 3547				28 IR 203
836 IAC 2-14-3	A	03-188	27 IR 1253	27 IR 3548	844 IAC 6-3-1	A	03-261	27 IR 1636 *CPH (27 IR 2300)
836 IAC 2-14-5	A	03-188	27 IR 1255	27 IR 3549				28 IR 203
836 IAC 3-1-1	A	03-188	27 IR 1256	27 IR 3550	844 IAC 6-3-2	A	03-261	27 IR 1636 *CPH (27 IR 2300)
836 IAC 3-2-1	A	03-188	27 IR 1256	27 IR 3551				28 IR 204
836 IAC 3-2-2	A	03-188	27 IR 1258	27 IR 3552	844 IAC 6-3-4	A	03-261	27 IR 1637 *CPH (27 IR 2300)
836 IAC 3-2-3	A	03-188	27 IR 1258	27 IR 3553				28 IR 204
836 IAC 3-2-4	A	03-188	27 IR 1259	27 IR 3554	844 IAC 6-3-5	A	03-261	27 IR 1637 *CPH (27 IR 2300)
836 IAC 3-2-5	A	03-188	27 IR 1260	27 IR 3555				28 IR 205
836 IAC 3-2-6	A	03-188	27 IR 1261	27 IR 3555	844 IAC 6-3-6	N	03-261	27 IR 1638 *CPH (27 IR 2300)
836 IAC 3-2-7	A	03-188	27 IR 1261	27 IR 3556				28 IR 205
836 IAC 3-3-1	A	03-188	27 IR 1262	27 IR 3556	844 IAC 6-4-3	A	03-261	27 IR 1638 *CPH (27 IR 2300)
836 IAC 3-3-2	A	03-188	27 IR 1263	27 IR 3558				28 IR 206
836 IAC 3-3-3	A	03-188	27 IR 1264	27 IR 3558	844 IAC 6-6-1	R	03-261	27 IR 1642 *CPH (27 IR 2300)
836 IAC 3-3-4	A	03-188	27 IR 1264	27 IR 3559				28 IR 209
836 IAC 3-3-5	A	03-188	27 IR 1266	27 IR 3560	844 IAC 6-6-2	R	03-261	27 IR 1642 *CPH (27 IR 2300)
836 IAC 3-3-6	A	03-188	27 IR 1266	27 IR 3561				28 IR 209
836 IAC 3-3-7	A	03-188	27 IR 1267	27 IR 3561	844 IAC 6-6-3	A	03-261	27 IR 1638 *CPH (27 IR 2300)
836 IAC 3-5-1	A	03-188	27 IR 1267	27 IR 3562				28 IR 206
836 IAC 4-1-1	A	03-188	27 IR 1267	27 IR 3562	844 IAC 6-6-4	A	03-261	27 IR 1639 *CPH (27 IR 2300)
836 IAC 4-2-1	A	03-188	27 IR 1270	27 IR 3564				28 IR 206
836 IAC 4-2-2	A	03-188	27 IR 1270	27 IR 3565	844 IAC 6-7-2	A	03-261	27 IR 1639 *CPH (27 IR 2300)
836 IAC 4-2-3	A	03-188	27 IR 1271	27 IR 3566				28 IR 207
836 IAC 4-2-4	A	03-188	27 IR 1272	27 IR 3567	844 IAC 10-4-1	A	03-329	27 IR 2568 28 IR 211
836 IAC 4-3-2	A	03-188	27 IR 1272	27 IR 3567	844 IAC 12-5-4	A	04-17	28 IR 316
836 IAC 4-3-3	A	03-188	27 IR 1273	27 IR 3568	TITLE 845 BOARD OF PODIATRIC MEDICINE			
836 IAC 4-4-1	A	03-188	27 IR 1273	27 IR 3568	845 IAC 1-3-1	A	03-46	26 IR 2683 27 IR 526
836 IAC 4-4-2	A	03-188	27 IR 1274	27 IR 3569	845 IAC 1-3-2	A	03-46	26 IR 2683 27 IR 526
836 IAC 4-4-3	A	03-188	27 IR 1275	27 IR 3570	845 IAC 1-3-3	N	03-46	26 IR 2684 27 IR 527
836 IAC 4-5-2	A	03-188	27 IR 1275	27 IR 3570	845 IAC 1-4-1-1	A	03-46	26 IR 2684 27 IR 527
836 IAC 4-6-1	R	03-188	27 IR 1283	27 IR 3579	845 IAC 1-4.1-2	A	03-46	26 IR 2684 27 IR 527
836 IAC 4-7-1	A	03-188	27 IR 1276	27 IR 3571	845 IAC 1-4.1-4	R	03-46	26 IR 2686 27 IR 528
836 IAC 4-7-2	A	03-188	27 IR 1276	27 IR 3571	845 IAC 1-4.1-7	A	03-46	26 IR 2685 27 IR 527
836 IAC 4-7-3	A	03-188	27 IR 1277	27 IR 3572	845 IAC 1-5-1	A	03-46	26 IR 2685 27 IR 527
836 IAC 4-7-3.5	A	03-188	27 IR 1277	27 IR 3573	845 IAC 1-5-2	R	02-341	26 IR 2682 27 IR 525
836 IAC 4-7-4	A	03-188	27 IR 1278	27 IR 3573	845 IAC 1-5-2.1	N	02-341	26 IR 2682 27 IR 525
836 IAC 4-7.1-1	A	03-188	27 IR 1278	27 IR 3573	845 IAC 1-5-3	A	03-46	26 IR 2685 27 IR 528
836 IAC 4-7.1-2	A	03-188	27 IR 1278	27 IR 3573				A 04-134 28 IR 317
836 IAC 4-7.1-3	A	03-188	27 IR 1279	27 IR 3574	845 IAC 1-6-8	R	03-47	26 IR 2686 27 IR 529
836 IAC 4-7.1-4	A	03-188	27 IR 1280	27 IR 3575	845 IAC 1-6-9	N	03-47	26 IR 2686 27 IR 529
836 IAC 4-7.1-5	A	03-188	27 IR 1280	27 IR 3575				
836 IAC 4-7.1-6	A	03-188	27 IR 1281	27 IR 3576				
836 IAC 4-8-1	R	03-188	27 IR 1283	27 IR 3579				
836 IAC 4-9-1	A	03-188	27 IR 1281	27 IR 3576				
836 IAC 4-9-2	A	03-188	27 IR 1281	27 IR 3576				
836 IAC 4-9-3	A	03-188	27 IR 1282	27 IR 3577				
836 IAC 4-9-4	A	03-188	27 IR 1282	27 IR 3577				
836 IAC 4-9-5	A	03-188	27 IR 1282	27 IR 3578				
836 IAC 4-9-6	A	03-188	27 IR 1283	27 IR 3578				

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TITLE 848 INDIANA STATE BOARD OF NURSING

848 IAC 1-1-2.1	A	04-65	27 IR 2865	
848 IAC 1-2-1	A	04-65	27 IR 2866	
848 IAC 1-2-5	A	04-65	27 IR 2866	
848 IAC 1-2-6	A	04-65	27 IR 2867	
848 IAC 1-2-7	A	04-65	27 IR 2868	
848 IAC 1-2-8	A	04-65	27 IR 2868	
848 IAC 1-2-8.5	N	04-65	27 IR 2868	
848 IAC 1-2-9	A	04-65	27 IR 2869	
848 IAC 1-2-10	A	04-65	27 IR 2869	
848 IAC 1-2-12	A	04-65	27 IR 2870	
848 IAC 1-2-13	A	04-65	27 IR 2870	
848 IAC 1-2-14	A	04-65	27 IR 2870	
848 IAC 1-2-16	A	04-65	27 IR 2871	
848 IAC 1-2-17	A	04-65	27 IR 2872	
848 IAC 1-2-18	A	04-65	27 IR 2872	
848 IAC 1-2-19	A	04-65	27 IR 2873	
848 IAC 1-2-20	A	04-65	27 IR 2873	
848 IAC 1-2-21	A	04-65	27 IR 2873	
848 IAC 1-2-22	A	04-65	27 IR 2874	
848 IAC 1-2-23	A	04-65	27 IR 2874	
848 IAC 1-2-24	A	04-65	27 IR 2874	
848 IAC 5-1-1	A	03-34	26 IR 3947	27 IR 1571
848 IAC 5-1-3	A	03-34	26 IR 3948	27 IR 1573

TITLE 856 INDIANA BOARD OF PHARMACY

856 IAC 1-27-1	A	03-191	27 IR 276	27 IR 1574
856 IAC 1-30-2	A	04-173	28 IR 317	
856 IAC 1-30-3	A	04-173	28 IR 318	
856 IAC 1-30-4.1	N	04-173	28 IR 318	
856 IAC 1-30-4.2	N	04-173	28 IR 318	
856 IAC 1-30-4.3	N	04-173	28 IR 318	
856 IAC 1-30-4.4	N	04-173	28 IR 318	
856 IAC 1-30-4.5	N	04-173	28 IR 318	
856 IAC 1-30-4.6	N	04-173	28 IR 318	
856 IAC 1-30-6	A	04-173	28 IR 319	
856 IAC 1-30-7	A	04-173	28 IR 319	
856 IAC 1-30-8	A	04-173	28 IR 319	
856 IAC 1-30-9	A	04-173	28 IR 320	
856 IAC 1-30-14	A	04-173	28 IR 320	
856 IAC 1-30-17	A	04-173	28 IR 321	
856 IAC 1-30-18	A	04-173	28 IR 321	
856 IAC 1-33-1	A	03-154	26 IR 3949	
			27 IR 274	*ARR (27 IR 1185)
	A	03-326	27 IR 2073	27 IR 3073
856 IAC 1-33-1.5	N	03-154	27 IR 274	*ARR (27 IR 1185)
	N	03-326	27 IR 2073	27 IR 3073
856 IAC 1-33-2	A	03-154	26 IR 3949	
			27 IR 275	*ARR (27 IR 1185)
	A	03-326	27 IR 2073	27 IR 3073
856 IAC 1-33-4	A	03-154	26 IR 3950	
			27 IR 275	*ARR (27 IR 1185)
	A	03-326	27 IR 2074	27 IR 3074
856 IAC 1-33-5	N	03-154	27 IR 275	*ARR (27 IR 1185)
	N	03-326	27 IR 2074	27 IR 3074
856 IAC 2-7	N	02-258	26 IR 1725	27 IR 181

TITLE 858 CONTROLLED SUBSTANCES ADVISORY COMMITTEE

858 IAC 2-1-1	A	03-281	27 IR 1285	27 IR 2731
858 IAC 2-1-2	A	03-281	27 IR 1286	27 IR 2731
858 IAC 2-1-3	A	03-281	27 IR 1286	27 IR 2731
858 IAC 2-1-4	A	03-281	27 IR 1286	27 IR 2732

TITLE 862 PRIVATE DETECTIVES LICENSING BOARD

862 IAC 1-1-3	A	03-313	27 IR 2074	27 IR 4020
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TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

864 IAC 1.1-2-2	A	03-125	26 IR 3737	27 IR 874
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864 IAC 1.1-2-4	A	03-301	27 IR 2569	
864 IAC 1.1-12-1	A	03-301	27 IR 2569	
864 IAC 1.1-12-2	N	03-301	27 IR 2570	
864 IAC 1.1-14	N	03-125	26 IR 3739	27 IR 875

TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

865 IAC 1-7-3	A	03-22	26 IR 3950	27 IR 1882
865 IAC 1-10-23	R	03-22	26 IR 3958	27 IR 1889
865 IAC 1-10-24	R	03-22	26 IR 3958	27 IR 1889
865 IAC 1-11-1	A	03-300	27 IR 2570	
865 IAC 1-12-2	A	03-22	26 IR 3951	27 IR 1882
865 IAC 1-12-3	A	03-22	26 IR 3952	27 IR 1883
865 IAC 1-12-5	A	03-22	26 IR 3952	27 IR 1884
865 IAC 1-12-6	A	03-22	26 IR 3953	27 IR 1884
865 IAC 1-12-7	A	03-22	26 IR 3953	27 IR 1884
865 IAC 1-12-9	A	03-22	26 IR 3954	27 IR 1885
865 IAC 1-12-10	A	03-22	26 IR 3954	27 IR 1885
865 IAC 1-12-11	A	03-22	26 IR 3954	27 IR 1886
865 IAC 1-12-12	A	03-22	26 IR 3954	27 IR 1886
865 IAC 1-12-13	A	03-22	26 IR 3955	27 IR 1887
865 IAC 1-12-14	A	03-22	26 IR 3956	27 IR 1888
865 IAC 1-12-18	A	03-22	26 IR 3956	27 IR 1888
865 IAC 1-13-4	A	03-41	26 IR 3739	27 IR 875
865 IAC 1-13-5	A	03-187	27 IR 943	27 IR 2732
				*ERR (27 IR 2744)
865 IAC 1-13-7	A	03-41	26 IR 3739	27 IR 875
865 IAC 1-13-20	R	03-41	26 IR 3740	27 IR 876
865 IAC 1-14-13	A	03-41	26 IR 3740	27 IR 876
865 IAC 1-14-14	A	03-41	26 IR 3740	27 IR 876
865 IAC 1-14-15	A	03-41	26 IR 3740	27 IR 876
865 IAC 1-14-20	R	03-41	26 IR 3740	27 IR 876

TITLE 868 STATE PSYCHOLOGY BOARD

868 IAC 2	N	03-60	26 IR 3741	*CPH (27 IR 905)
				*AROC (27 IR 1300)
				*DG (27 IR 3346)

TITLE 872 INDIANA BOARD OF ACCOUNTANCY

872 IAC 1-1-2	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				27 IR 2733
872 IAC 1-1-6.1	A	04-41	27 IR 2574	28 IR 212
	A	04-171	27 IR 4138	
872 IAC 1-1-6.2	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				27 IR 2733
872 IAC 1-1-6.4	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				27 IR 2734
872 IAC 1-1-6.5	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				27 IR 2734
872 IAC 1-1-6.6	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				27 IR 2734
872 IAC 1-1-8	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				27 IR 2734
872 IAC 1-1-8.3	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				27 IR 2735
872 IAC 1-1-9	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				27 IR 2735
872 IAC 1-1-9.5	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				27 IR 2735

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872 IAC 1-1-10	A	03-126	27 IR 279	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2735	905 IAC 1-5.2-9.2	N	03-38	26 IR 2687 27 IR 1289	*ARR (27 IR 1185) 27 IR 2281
872 IAC 1-1-12	A	03-126	27 IR 280	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2736	905 IAC 1-11.1-1	A	04-111 03-39	27 IR 3337 26 IR 2688	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2282
872 IAC 1-1-14	A	03-126	27 IR 280	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2737	905 IAC 1-11.1-2	A	03-39	26 IR 2688	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2282
872 IAC 1-1-17	R	03-126	27 IR 282	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2738	905 IAC 1-13-3	A	03-40	26 IR 2689	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2283
872 IAC 1-1-19	A	03-126	27 IR 281	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2737	905 IAC 1-13-6	N	03-40	26 IR 2689	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2283
872 IAC 1-1-22	R	03-126	27 IR 282	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2738	905 IAC 1-15.2-3	A	03-94	26 IR 3745	*ARR (27 IR 1185) *AWR (27 IR 2501)
872 IAC 1-1-23	R	03-126	27 IR 282	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2738	905 IAC 1-26-3	N	04-112	27 IR 3338	
872 IAC 1-1-25	A	03-126	27 IR 282	*ARR (27 IR 1185) *CPH (27 IR 1196) 27 IR 2738	905 IAC 1-35.1	N	03-96	26 IR 3745	*ARR (27 IR 1185)
872 IAC 1-3-3.3	A	04-98	27 IR 3336		905 IAC 1-36-2	A	03-97	26 IR 3747	
872 IAC 1-3-16	A	04-5	27 IR 2335	28 IR 211	905 IAC 1-43	RA	04-14	27 IR 2579	*CPH (27 IR 3096)
872 IAC 1-6	N	03-270	27 IR 2571	*AROC (27 IR 4141)	905 IAC 1-44	RA	04-109	27 IR 3343	
					905 IAC 1-45	N	02-338	26 IR 2128	*ERR (26 IR 2375) 27 IR 189
TITLE 876 INDIANA REAL ESTATE COMMISSION					905 IAC 1-45-2	A	03-319	27 IR 2576	*CPH (27 IR 3096)
876 IAC 1-1-19	A	03-124	26 IR 3744	27 IR 877	905 IAC 1-45-3	A	03-319	27 IR 2576	*CPH (27 IR 3096)
876 IAC 1-4-1	A	03-42	26 IR 3142	27 IR 186	905 IAC 1-46	N	03-279	27 IR 1291	*ARR (27 IR 4024)
876 IAC 1-4-2	A	03-42	26 IR 3142	27 IR 186					*AROC (27 IR 4141)
876 IAC 2-18	N	03-256	27 IR 2575	28 IR 213	905 IAC 1-47	N	03-280	27 IR 1292	*AROC (27 IR 4142)
876 IAC 3-2-7	A	03-273	27 IR 1642	27 IR 2740					27 IR 4021
	A	03-255	27 IR 2574	28 IR 212	905 IAC 1-48	N	04-115	27 IR 3339	
876 IAC 3-3-3	A	03-23	26 IR 3415	27 IR 530	TITLE 910 CIVIL RIGHTS COMMISSION				
876 IAC 3-3-4	A	03-23	26 IR 3416	27 IR 531	910 IAC 2-4-6	N	03-254	27 IR 1644	27 IR 3074
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AGA:	Attorney General's Action
AROC:	Administrative Rules Oversight Committee Notice
ARR:	Agency Recalls Rule
AWR:	Agency Withdrew Rule
CPH:	Change in Public Hearing
DAG:	Disapproved by Attorney General
DG:	Disapproved by Governor
ER:	Emergency Rule
ERR:	Errata
ETR:	Emergency Temporary Rule
ETS:	Emergency Temporary Standard
GRAT:	Governor Requires Additional Time
I:	Document Ineffective
N:	New Text
NRA:	Notice of Rule Adoption
OAC:	Objection to Errata
ON:	Other Notices of Administrative Action
R:	Repealed Text
RA:	Readopted Rule
SAC:	Solicitation of Advance Comment
SPE:	Statutory Period for Promulgation Expired
SPE-SE:	Statutory Period for Promulgation Expired; Signed After Expiration
††:	Renumbered or Added in Final Rule

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470 IAC 3-1.2-3	27 IR 2853	“Benefit period” defined		office
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405 IAC 2-10-11	26 IR 3709	UNIFORM CONSUMER CREDIT CODE		Indiana Residential Code	
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405 IAC 2-10-7.1	26 IR 3707	750 IAC 1-1-1	27 IR 2297	675 IAC 14-4.2-1	26 IR 3712
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405 IAC 5-21-1	26 IR 3381	Section 250.104; bonding of piping and exposed structural steel		675 IAC 14-4.2-69.6	27 IR 2267
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